

# **AGENDA**

**Regular Meeting**

**of the**

## **CITY COUNCIL OF THE CITY OF TROY**

**NOVEMBER 24, 2003**

**CONVENING AT 7:30 P.M.**

**Submitted By  
The City Manager**

TO: The Honorable Mayor and City Council  
Troy, Michigan

FROM: John Szerlag, City Manager

SUBJECT: Background Information and Reports

Ladies and Gentlemen:

This booklet provides a summary of the many reports, communications and recommendations that accompany your Agenda. Also included are suggested or requested resolutions and/or ordinances for your consideration and possible amendment and adoption.

Supporting materials transmitted with this Agenda have been prepared by department directors and staff members. I am indebted to them for their efforts to provide insight and professional advice for your consideration.

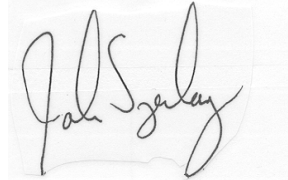
Identified below are goals for the City, which have been advanced by the governing body; and Agenda items submitted for your consideration are on course with these goals.

#### Goals

1. Minimize cost and increase efficiency of City government.
2. Retain and attract investment while encouraging redevelopment.
3. Effectively and professionally communicate internally and externally.
4. Creatively maintain and improve public infrastructure.
5. Protect life and property.

As always, we are happy to provide such added information as your deliberations may require.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "John Szerlag", is written over a light gray grid background.

John Szerlag, City Manager



## CITY COUNCIL

### AGENDA

November 24, 2003 – 7:30 PM  
Council Chambers  
City Hall - 500 West Big Beaver  
Troy, Michigan 48084  
(248) 524-3317

**CALL TO ORDER** 1

**INVOCATION & PLEDGE OF ALLEGIANCE – Head Priest Janakirama Sastryji –  
Bharathiya Temple** 1

**ROLL CALL** 1

**PUBLIC HEARINGS** 1

- C-1** Preliminary Planned Unit Development Review – PUD-003 – Sterling Corporate Center – North Side of Big Beaver Road – West of I-75 and East of Wilshire Drive – Section 21 1
- C-2** Zoning Ordinance Text Amendment (ZOTA-180) – Articles 40.57.06, 43.77.00, and 43.80.00 – Height Limits for Amateur Radio Antennas 4
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**NOTICE:** People with disabilities needing accommodations for effective participation in this meeting should contact the City Clerk at (248) 524-3317 or via e-mail at [clerk@ci.troy.mi.us](mailto:clerk@ci.troy.mi.us) at least two working days in advance of the meeting. An attempt will be made to make reasonable accommodations.

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## CALL TO ORDER

**INVOCATION & PLEDGE OF ALLEGIANCE** – Head Priest Janakirama Sastryji –  
Bharathiya Temple

## ROLL CALL

Mayor Matt Pryor  
Robin Beltramini  
Cristina Broomfield  
David Eisenbacher  
Martin F. Howrylak  
David A. Lambert  
Jeanne M. Stine

## PUBLIC HEARINGS

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**C-1 Preliminary Planned Unit Development Review – PUD-003 – Sterling Corporate Center – North Side of Big Beaver Road – West of I-75 and East of Wilshire Drive – Section 21**

Suggested Resolution  
Resolution #2003-11-  
Moved by  
Seconded by

RESOLVED, That the Preliminary Plan for a Planned Unit Development, pursuant to article 35.60.01, as requested by Burton-Katzman, for the Sterling Corporate Center Planned Unit Development (PUD – 3), located on the north side of Big Beaver Road and on the west side I-75, located in Section 21, within the O-S-C zoning district, being 5.91 acres in size, is hereby **APPROVED** by City Council, as recommended by City Management, the City Planning Consultant and the Planning Commission; and

BE IT RESOLVED, The proposed PUD meets the location requirements set forth in Article 35.30.00, A and B.2; and

BE IT FURTHER RESOLVED, Pursuant to Article 35.30.00.C.1, the applicant demonstrated quality objectives such as those referred to in Section 35.30.00-B-2. In the earlier submissions, the applicant relied heavily upon these standards primarily related to the building in order to justify the PUD. The revised plan places more emphasis on site improvements that will set a positive tone for the Big Beaver corridor. Furthermore, the applicant has provided a concept plan and committed to fund a more detailed design plan for the Big Beaver Corridor; and

BE IT RESOLVED, Pursuant to Article 35.30.00.C.2, the applicant provides a mixture of land uses that would otherwise not be permitted, provided that other objectives of this Article are

met and the resulting development would promote the public health, safety, and welfare. The project has been represented as “mixed use” in nature. The applicant has indicated in previous documentation that the ground floor will be reserved for commercial uses, including restaurants, health facilities, sundry shops, apparel shops, etc. All of these proposed uses are permitted in the underlying O-S-C zoning district, while the restaurant, fronting on Wilshire Drive furthers the case for mixed use on the site, in that it would not be permitted in the underlying O-S-C zoning district; and

BE IT RESOLVED, Pursuant to Article 35.30.00.C.3, the applicant provides a public improvement, or other facility used by the public, which could not otherwise be required, that would further the public health, safety, and welfare, or protect existing or future uses from the impacts of the proposed uses. The improvements to the I-75 exit ramp cloverleaf, titled the “Gateway Treatment”, and Wilshire Drive are identified public improvements as required. In addition, street trees and pedestrian paving were added to the center median of Wilshire Drive and at the east side of Wilshire near the Big Beaver intersection; and

BE IT RESOLVED, Pursuant to Article 35.30.00.C.4, traffic congestion on the site was previously improved with the removal of the northeast entry into the garage, the widened exit at the bank drive-thru, the enlarged truck loading area and the additional exit lane at the main entrance to the site. The traffic impact study has been provided, and the applicant has indicated that all recommendations of the plan will be carried out including lane improvements on Big Beaver Road. Additional modifications have been made to the boulevard access and valet drop-off at the request of the City; and

BE IT RESOLVED, Pursuant to Article 35.30.00.C. 7, the PUD is generally in compliance with the Future Land Use Plan. The Future Land Use Plan does not specifically contemplate a development that is significantly greater than the intended intensity of the site. Given the location of the site and its relationship to surrounding land use, a building of this size, height and intensity would be appropriate, provided there are sufficient benefits afforded by the PUD; and

BE IT FINALLY RESOLVED, That the Preliminary Planned Unit Development consist of the project manual, dated November 17, 2003, which contains narratives, reduced plans, and full size plans, including the following:

Project Manual (Dated and November 17, 2003):

Sheet P-3	Architectural Survey
Sheet P-4	Preliminary Site Plan
Sheet P-5	Open Space Plan
Sheet P-6	Big Beaver Road Improvements
Sheet P-7	Wilshire Drive Improvements
Sheet L-1	Preliminary Landscape Plan
Sheet L-2	Gateway Landscape Plan
Sheet L-3	Preliminary Streetscape Plan
Sheet L-4	I-75 Section Plan
Sheet L-4a	Big Beaver Section Plan
Sheet L-5	Big Beaver Road Urban Design Concept Sketch
Sheet A-100	Circulation, Lighting and 1 <sup>st</sup> Level Plan

Sheet A-101 Lower & Second Level Plan  
Sheet A-102 Third & Fourth Level Plan  
Sheet A-200 North and South Elevations  
Sheet A-201 East and West Elevations  
Sheet A-202 Building Sign Elevations and Details  
Sheet A-203 Building Sign Elevations  
Sheet A-300 Building Sections  
Sheet L-100 Site Lighting Plan  
Sheet L-200 Site Lighting Photometric Plan  
Sheet L-300 Building Lighting  
Sheet AR-1 Big Beaver Road Photographic Elevation (day)  
Sheet AR-2 Big Beaver Road Elevation (night)  
Sheet AR-3 North and South Elevations  
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Sheet AR-5 City Wide Elevation  
Sheet AR-6 Plaza Perspective  
Sheet AR-7 Wilshire Drive Building Perspective  
Sheet AR-8 Parking Structure Enlarged Elevations  
Sheet AR-9 Building Material Examples  
Sheet AR-10 Building Material Samples

Full Size Plans (Dated November 17, 2003):

Sheet P-1 Cover Sheet  
Sheet P-3 Architectural Survey  
Sheet P-4 Preliminary Site Plan  
Sheet P-5 Open Space Plan  
Sheet P-6 Big Beaver Road Improvements  
Sheet P-7 Wilshire Drive Improvements  
Sheet L-1 Preliminary Landscape Plan  
Sheet L-2 Gateway Landscape Plan  
Sheet L-4 I-75 Section Plan  
Sheet A-100 Circulation, Lighting and 1<sup>st</sup> Level Plan  
Sheet A-101 Lower & Second Level Plan  
Sheet A-102 Third & Fourth Level Plan  
Sheet A-103 Floor Plans  
Sheet A-200 North and South Elevations  
Sheet A-201 East and West Elevations  
Sheet A-202 Building Sign Elevations and Details  
Sheet A-203 Building Sign Elevations  
Sheet A-300 Building Sections  
Sheet L-100 Site Lighting Plan  
Sheet L-200 Site Lighting Photometric Plan  
Sheet L-300 Building Lighting Plan

Yes:

No:

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**C-2 Zoning Ordinance Text Amendment (ZOTA-180) – Articles 40.57.06, 43.77.00, and 43.80.00 – Height Limits for Amateur Radio Antennas**

Suggested Resolution

Resolution #2003-11-

Moved by

Seconded by

**(a) Proposed Resolution A – City Management Recommendation**

RESOLVED, That the proposed Zoning Ordinance Text Amendments for Article XL GENERAL PROVISIONS and Article XLIII BOARD OF ZONING APPEALS be **AMENDED**, as recommended by City Management, a copy of which shall be **ATTACHED** to the original Minutes of this meeting.

**OR**

**(b) Proposed Resolution B – Planning Commission Recommendation**

RESOLVED, That the proposed Zoning Ordinance Text Amendments for Article XL GENERAL PROVISIONS and Article XLIII BOARD OF ZONING APPEALS be **AMENDED**, as recommended by Planning Commission, a copy of which shall be **ATTACHED** to the original Minutes of this meeting.

Yes:

No:

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**C-3 Zoning Ordinance Text Amendment (ZOTA-198) – Articles 40.20.00 - Parking Requirements**

Suggested Resolution

Resolution #2003-11-

Moved by

Seconded by

**(a) Proposed Resolution A – City Management Recommendation**

RESOLVED, That the proposed Zoning Ordinance Text Amendments for Article XL GENERAL PROVISIONS be **AMENDED**, as recommended by City Management, a copy of which shall be **ATTACHED** to the original Minutes of this meeting.

**OR**

**(b) Proposed Resolution B – Planning Commission Recommendation**

RESOLVED, That the proposed Zoning Ordinance Text Amendments for Article XL GENERAL PROVISIONS be **AMENDED**, as recommended by Planning Commission, a copy of which shall be **ATTACHED** to the original Minutes of this meeting.

Yes:

No:

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**C-4 Request for Commercial Vehicle Appeal – 953 Bridge Park**Suggested Resolution

Resolution #2003-11-

Moved by

Seconded by

**(a) Proposed Resolution A For Approval**

WHEREAS, Section 44.02.02 of Chapter 39, Zoning, of the Code of the City of Troy provides that actions to grant appeals to the restrictions on outdoor parking of commercial vehicles in residential districts pursuant to Section 40.66.00 of Chapter 39 of the Code of the City of Troy "shall be based upon at least one of the following findings by the City Council:

- A. The occurrence of the subject commercial vehicle on the residential site involved is compelled by parties other than the owner or occupant of the subject residential site (e.g. employer).
- B. Efforts by the applicant have determined that there are no reasonable or feasible alternative locations for the parking of the subject commercial vehicle.
- C. A garage or accessory building on the subject residential site cannot accommodate, or cannot reasonably be constructed or modified to accommodate, the subject commercial vehicle.
- D. The location available on the residential site for the outdoor parking of the subject commercial vehicle is adequate to provide for such parking in a manner which will not negatively impact adjacent residential properties, and will not negatively impact pedestrian and vehicular movement along the frontage street(s)."; and

WHEREAS, The City Council of the City of Troy has found that the petitioner has demonstrated the presence of the following condition(s), justifying the granting of a variance:\_\_\_\_\_

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NOW, THEREFORE, BE IT RESOLVED, That the request from Mr. Yong-Tao Sun, 953 Bridge Park, for waiver of Chapter 39, Section 40.66.00, of the Code of the City of Troy, to permit outdoor parking of a box truck in a residential district is hereby **APPROVED** for \_\_\_\_ (not to exceed two years).

OR

**(b) Proposed Resolution B For Denial**

WHEREAS, Section 44.02.02 of Chapter 39, Zoning, of the Code of the City of Troy provides that actions to grant appeals to the restrictions on outdoor parking of commercial vehicles in residential districts pursuant to Section 40.66.00 of Chapter 39 of the Code of the City of Troy "shall be based upon at least one of the following findings by the City Council:

- A. The occurrence of the subject commercial vehicle on the residential site involved is compelled by parties other than the owner or occupant of the subject residential site (e.g. employer).
- B. Efforts by the applicant have determined that there are no reasonable or feasible alternative locations for the parking of the subject commercial vehicle.
- C. A garage or accessory building on the subject residential site cannot accommodate, or cannot reasonably be constructed or modified to accommodate, the subject commercial vehicle.
- D. The location available on the residential site for the outdoor parking of the subject commercial vehicle is adequate to provide for such parking in a manner which will not negatively impact adjacent residential properties, and will not negatively impact pedestrian and vehicular movement along the frontage street(s)."; and

WHEREAS, The City Council of the City of Troy has not found that the petitioner has demonstrated the presence of condition(s), justifying the granting of a variance:

NOW, THEREFORE, BE IT RESOLVED, That the request from Mr. Yong-Tao Sun, 953 Bridge Park, for waiver of Chapter 39, Section 40.66.00, of the Code of the City of Troy, to permit outdoor parking of a box truck in a residential district is hereby **DENIED**.

Yes:

No:

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**C-5 Request for Commercial Vehicle Appeal – 3769 Meadowbrook**

Suggested Resolution

Resolution #2003-11-

Moved by

Seconded by

**(a) Proposed Resolution A For Approval**

WHEREAS, Section 44.02.02 of Chapter 39, Zoning, of the Code of the City of Troy provides that actions to grant appeals to the restrictions on outdoor parking of commercial vehicles in residential districts pursuant to Section 40.66.00 of Chapter 39 of the Code of the City of Troy "shall be based upon at least one of the following findings by the City Council:



- A. The occurrence of the subject commercial vehicle on the residential site involved is compelled by parties other than the owner or occupant of the subject residential site (e.g. employer).
- B. Efforts by the applicant have determined that there are no reasonable or feasible alternative locations for the parking of the subject commercial vehicle.
- C. A garage or accessory building on the subject residential site cannot accommodate, or cannot reasonably be constructed or modified to accommodate, the subject commercial vehicle.
- D. The location available on the residential site for the outdoor parking of the subject commercial vehicle is adequate to provide for such parking in a manner which will not negatively impact adjacent residential properties, and will not negatively impact pedestrian and vehicular movement along the frontage street(s)."; and

WHEREAS, The City Council of the City of Troy has found that the petitioner has demonstrated the presence of the following condition(s), justifying the granting of a variance: \_\_\_\_\_

NOW, THEREFORE, BE IT RESOLVED, That the request from Mr. Mazin Nafsu, 3769 Meadowbrook, for waiver of Chapter 39, Section 40.66.00, of the Code of the City of Troy, to permit outdoor parking of a box truck in a residential district is hereby **APPROVED** for \_\_\_\_\_ (not to exceed two years).

**OR**

**(b) Proposed Resolution B For Denial**

WHEREAS, Section 44.02.02 of Chapter 39, Zoning, of the Code of the City of Troy provides that actions to grant appeals to the restrictions on outdoor parking of commercial vehicles in residential districts pursuant to Section 40.66.00 of Chapter 39 of the Code of the City of Troy "shall be based upon at least one of the following findings by the City Council:

- A. The occurrence of the subject commercial vehicle on the residential site involved is compelled by parties other than the owner or occupant of the subject residential site (e.g. employer).
- B. Efforts by the applicant have determined that there are no reasonable or feasible alternative locations for the parking of the subject commercial vehicle.
- C. A garage or accessory building on the subject residential site cannot accommodate, or cannot reasonably be constructed or modified to accommodate, the subject commercial vehicle.
- D. The location available on the residential site for the outdoor parking of the subject commercial vehicle is adequate to provide for such parking in a manner which will not

negatively impact adjacent residential properties, and will not negatively impact pedestrian and vehicular movement along the frontage street(s)."; and

WHEREAS, The City Council of the City of Troy has not found that the petitioner has demonstrated the presence of condition(s), justifying the granting of a variance:

NOW, THEREFORE, BE IT RESOLVED, That the request from Mr. Mazin Nafsu, 3769 Meadowbrook, for waiver of Chapter 39, Section 40.66.00, of the Code of the City of Troy, to permit outdoor parking of a box truck in a residential district is hereby **DENIED**.

Yes:

No:

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#### **C-6 Request for Parking Variance – 3001 W. Big Beaver**

##### Suggested Resolution

Resolution #2003-11-

Moved by

Seconded by

#### **(a) Proposed Resolution A For Approval**

WHEREAS, Articles XLIII and XLIV (43.00.00 and 44.00.00) of the Zoning Ordinance provide that the City Council may grant variances from the off-street parking requirements of the Zoning Ordinance upon general findings that:

1. The variance would not be contrary to public interest or general purpose and intent of the Zoning Ordinance.
2. The variance does not permit the establishment of a prohibited use as a principal use within a zoning district.
3. The variance does not cause an adverse effect to properties in the immediate vicinity or zoning district.
4. The variance relates only to property described in the application for variance; and

WHEREAS, Article XLIII (43.00.00) requires that in granting, the City Council shall find that the practical difficulties justifying the variances are:

- A. That absent a variance, no reasonable use can be made of the property; or
- B. That absent a variance, a significant natural feature would be negatively affected or destroyed; or
- C. That absent a variance, public health, safety and welfare would be negatively affected; or
- D. That literal enforcement of the Zoning Ordinance precludes full enjoyment of the permitted use and makes conforming unnecessarily burdensome. In this regard, the City Council shall find that a lesser variance does not give substantial relief, and that the relief requested can be granted within the spirit of the Ordinance, and within the interests of public safety and welfare; and

WHEREAS, The City Council finds the above-stated general conditions to be present and finds the practical difficulty stated above to be operative in the appeal;

NOW, THEREFORE, BE IT RESOLVED, That the request from Larry Nemer for waiver of 146 parking spaces to allow for the construction of a new 250 seat restaurant at the development at 3001 W. Big Beaver be **APPROVED**.

OR

**(b) Proposed Resolution B For Denial**

WHEREAS, Articles XLIII and XLIV (43.00.00 and 44.00.00) of the Zoning Ordinance provide that the City Council may grant variances from the off-street parking requirements of the Zoning Ordinance upon general findings that:

1. The variance would not be contrary to public interest or general purpose and intent of the Zoning Ordinance.
2. The variance does not permit the establishment of a prohibited use as a principal use within a zoning district.
3. The variance does not cause an adverse effect to properties in the immediate vicinity or zoning district.
4. The variance relates only to property described in the application for variance; and

WHEREAS, Article XLIII (43.00.00) requires that in granting, the City Council shall find that there are practical difficulties justifying the variances; and

WHEREAS, City Council has not found that the requirements of Articles XLIII and XLIV (43.00.00 and 44.00.00) of the Zoning Ordinance have been met;

NOW, THEREFORE, BE IT RESOLVED, That the request from That the request from Larry Nemer for waiver of 146 parking spaces to allow for the construction of a new 250 seat restaurant at the development at 3001 W. Big Beaver be **DENIED**.

Yes:

No:

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**C-7 Street Vacation Application – Crestfield Avenue and Tallman (fka Taylor) Street, within Proposed Crestwood Site Condominiums – North Side of Wattles, East of Livernois – Section 15 (SV-184)**

Suggested Resolution

Resolution #2003-11-

Moved by

Seconded by

WHEREAS, A request has been received for the vacation of the Crestfield Avenue right-of-way, which is 50 feet wide and approximately 1374 feet in length, and the Tallman Street right-of-way, which is 33 feet wide and approximately 353 feet in length, located within the proposed Crestwood Site Condominium in Section 15; and

WHEREAS, City Management and the Planning Commission have recommended that this street vacation be granted subject to the following conditions:

1. Retention of all necessary easements as required by the City of Troy.
2. Dedication of Wattles and Hanover ultimate right-of-way.
3. Dedication of future right-of-way for the proposed Crestwood Site Condominium.

NOW, THEREFORE, BE IT RESOLVED, That the City Council concurs with the recommendations of City Management and the Planning Commission; and

BE IT FINALLY RESOLVED, That the Crestfield Avenue right-of-way, which is 50 feet wide and approximately 1374 feet in length, and the Tallman Street right-of-way, which is 33 feet wide and approximately 353 feet in length, located within the proposed Crestwood Site Condominium in Section 15, be authorized for vacation, subject to the retention of all necessary easements as required by the City of Troy, the dedication of Wattles and Hanover ultimate right-of-way and the dedication of future right-of-way for the proposed Crestwood Site Condominium.

Yes:

No:

## **PUBLIC COMMENT:**

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### **A. Items on the Current Agenda**

***Any person not a member of the Council may address the Council with recognition of the Chair, after clearly stating the nature of his/her inquiry. No person not a member of the Council shall be allowed to speak more than twice or longer than five (5) minutes on any question, unless so permitted by the Chair. The Council may waive the requirements of this section by a majority of the Council Members. Consistent with Order of Business #11, the City Council will move forward the specific Business Items which audience members would like to address. The Mayor shall announce the items which are to be moved forward and will ask the audience if there are any additional items which they would like to address. All Business Items that members of the audience would like to address will be brought forth and acted upon at this time. Items will be taken individually and members of the audience will address council prior to council discussion of the individual item.***

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### **B. Items Not on the Current Agenda**

***After Council is finished acting on all Business Items that have been brought forward, the public is welcome to address the Mayor and Council on items that are specifically not on the agenda. (Rules of Procedure for the City Council, Article 15 as amended September 22, 2003)***

## **CONSENT AGENDA – None Submitted**

**REGULAR BUSINESS**

*Persons interested in addressing the City Council on items, which appear on the printed Agenda, will be allowed to do so at the time the item is discussed upon recognition by the Chair (during the public comment portion of the agenda item's discussion). Other than asking questions for the purposes of gaining insight or clarification, Council shall not interrupt members of the public during their comments. For those addressing City Council, petitioners shall be given a fifteen (15) minute presentation time that may be extended with the majority consent of Council and all other interested people, their time may be limited to not more than twice nor longer than five (5) minutes on any question, unless so permitted by the Chair, in accordance with the Rules of Procedure of the City Council, Article 15, as amended September 22, 2003. Once discussion is brought back to the Council table, persons from the audience will be permitted to speak only by invitation by Council, through the Chair.*

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**F-1 Minutes: Regular Meeting of November 17, 2003**Suggested Resolution

Resolution #2003-11-

Moved by

Seconded by

RESOLVED, That the Minutes of the 7:30 PM Regular Meeting of November 17, 2003, be **APPROVED** as submitted.

Yes:

No:

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**F-2 Preliminary Plat – Tentative Approval – Wyngate of Troy Subdivision – East Side of Coolidge Highway – North of Square Lake Road – Section 5 – R-1B**Suggested Resolution

Resolution #2003-11-

Moved by

Seconded by

RESOLVED, That Tentative Approval be granted to the Preliminary Plat of Wyngate of Troy Subdivision including 74 lots as submitted to City Council and recommended by City Management and the Planning Commission, located on the east side of Coolidge Highway and north of Square Lake Road, within Section 5, and the R-1B Zoning District.

Yes:

No:

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**F-3 Dangerous Building – 3360 Kilmer – Sidwell #88-20-22-378-004 – Order to Demolish**Suggested Resolution

Resolution #2003-11-

Moved by

Seconded by

WHEREAS, The existing home at 3360 Kilmer sustained substantial damage by a fire that occurred on April 5, 2003:

WHEREAS, The damage sustained has caused the roof, walls and floor of the structure to become weakened to such a point that the structure may potentially collapse:

WHEREAS, The damage sustained has rendered the structure uninhabitable as a single family home:

WHEREAS, Sections 4, (1) & (3) of the Dangerous Building Ordinance provide that the City Council may render a decision that a building is a dangerous building and therefore should be demolished or made habitable upon findings that:

1. The building meets the definition of a dangerous building in that a portion of the building is damaged by fire in such a manner that the structural strength or stability of the building is appreciably less than it was before the fire and does not meet the minimum requirements of the City of Troy ordinances.
2. The building meets the definition of a dangerous building in that, because of the fire, it is likely to partially or completely collapse, or become detached, or some portion of the foundation or underpinning of the building or structure is likely to fall or give way.
3. The building meets the definition of a dangerous building in that, the building, or part of the building, is manifestly unsafe for the purpose it is intended to be used.

WHEREAS, The City Council, in a resolution passed at their meeting of October 27, 2003, found that the above-stated general conditions to be present and ordered that the structure be demolished or made habitable within twenty days;

WHEREAS, The structure has neither been demolished or made habitable in that twenty day time period;

NOW, THEREFORE BE IT RESOLVED, That the City is hereby **AUTHORIZED** to take actions necessary to have the structure removed; and

BE IT FURTHER RESOLVED, The cost of such actions shall be borne by the owner of the property. If the owner does not pay such costs, the unpaid balance shall be placed as a lien on the property with the Oakland County Registrar of Deeds.

Yes:

No:

**COUNCIL COMMENTS/COUNCIL REFERRALS**

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**Items Advanced to the City Manager by Individual City Council Members for Placement on the Agenda:**

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**1. Mayor Pryor – Closed Session Request**

Mayor Pryor requested a Closed Session to discuss pending litigation involving the Gosselin rubbish dumping case. However, the [attached memorandum](#) from City Attorney Lori Grigg Bluhm indicates that this case does not meet the criteria for a Closed Session.

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**2. Mayor Pryor – Chapter 48, Litter**

Mayor Pryor wishes to discuss changing the operational definition of rubbish that is contained in Chapter 48, Litter, of the Troy City Code, which currently reads as follows:

6.101 Definitions.

- (5) "Rubbish" shall mean nonputrescible solid wastes consisting of both combustible and non-combustible wastes, such as paper, wrappings, cigarettes, cardboard, tin cans, yard clippings, leaves, wood, glass, bedding, crockery and similar materials.

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**3. Council Member Stine – Resolution Re: Mayor's Behavior**

Council Member Stine submitted the following resolution expressing disapproval of the Mayor's behavior:

WHEREAS, Our Mayor has overstepped the bounds of propriety and has acted outside the Charter of the City of Troy; and

WHEREAS, On November 4, 2003, our Mayor did publicly bully, criticize, berate and castigate one of Council's employees witnessed by members of the public; and

WHEREAS, Our City Attorney states "a resolution of this matter", the matter of the prosecution of Robert Gosselin which was the reason for the tirade, "will likely end the turmoil". The concern is not for the prosecution of Robert Gosselin, but for the unseemly behavior of the Mayor; and

WHEREAS, The Charter, Chapter 3, Section 3.8d reads: Duties of the Mayor: except as may be required by statute, the Mayor shall exercise only such powers as this Charter or the Council shall specifically confer upon him; and

WHEREAS, In addition to the November 4<sup>th</sup> incident, there have been other instances where the Mayor has humiliated staff and been an embarrassment of Council members and residents; and

WHEREAS, The Mayor has held total disregard for the Charter dealing with Chapter 3, Section 3.13 which reads: except for the purpose of inquiry, the Council and its members shall deal

with the administrative service solely through the City Manager and neither the Council nor any member thereof shall give orders to any of the subordinates of the City Manager; and

WHEREAS, The Mayor talks of goals of professional courtesy and respect which he often throws to the wind when dealing with public participants himself; and

WHEREAS, If Council has the courage of its convictions, based on the facts as it knows them, it should be incumbent upon this body to express its displeasure of the Mayor's disregard for common courtesy and the above cited Sections of the City Charter,

NOW, THEREFORE, BE IT RESOLVED, that the City Council of the City of Troy regrets the need for this action, but takes this opportunity to express its strong disapproval of the Mayor's aforementioned behavior.

## REPORTS AND COMMUNICATIONS

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**G-1 Minutes – Boards and Committees: None Submitted**

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**G-2 Department Reports: None Submitted**

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**G-3 Announcement of Public Hearings:**

(a) Request for Commercial Vehicle Appeal – 1421 Hartwig– **Scheduled December 1, 2003**

## PUBLIC COMMENT

*Public Comment is limited to people who have not addressed Council during the 1<sup>st</sup> Public Comment section (Rules of Procedure for the City Council, Article 5 (15), as amended May 6, 2002).*

Respectfully submitted,

John Szerlag, City Manager



November 17, 2003

TO: The Honorable Mayor and City Council

FROM: John Szerlag, City Manager  
Gary A. Shripka, Assistant City Manager/Services  
Mark F. Miller, Planning Director

SUBJECT: PUBLIC HEARING - PRELIMINARY PLANNED UNIT DEVELOPMENT REVIEW – PUD-003 STERLING CORPORATE CENTER – North side of Big Beaver Road, west of I-75 and east of Wilshire Drive, section 21.

### **RECOMMENDATION**

Significant progress evolved in the development of the Sterling Corporate PUD application since it was first submitted on December 4, 2002. The applicant has made recent efforts to strengthen the PUD application by proposing additional pedestrian improvements along Big Beaver Road, including financial contributions for an Urban Design Study. When completed, these improvements will strengthen the walkability and urban character of Big Beaver Road.

Furthermore, it is anticipated that these improvements will serve as an example of high-end pedestrian improvements and amenities that will act as a catalyst for future pedestrian improvements in both the public and private realm along the Big Beaver Corridor.

The Planning Commission recommended Preliminary Approval of the Sterling Corporate Center Planned Unit Development at the October 14, 2003 Planning Commission meeting (see attached minutes). In the revised plans submitted to the Planning Department dated November 17, the applicant addressed all of the twelve (12) conditions included by the Planning Commission in the approving resolution. The City's Planning Consultant and City Management concur with the recommendation for approval.

### **GENERAL INFORMATION**

Name of Owner / Applicant:  
Burton-Katzman and Sterling Bank.

Size of Subject Parcel:  
The parcel is approximately 5.91 acres in size.

Proposed Use(s) of Subject Parcel:

The applicant is proposing a 13-story office building with approximately 300,869 gross square feet of office space. In addition, the applicant is proposing two restaurants and a bank on the ground floor of the building, with an attached parking garage with approximately 1,100 spaces. The applicant is also proposing a two-story, 9,800 square foot restaurant to be attached to the west side of the parking structure.

Current Use of Subject Property:

The property is presently vacant.

Current Use of Adjacent Parcels:

North: Magna International (office/research).

South: Top of Troy Building (office/restaurant).

East: Interstate Highway I-75.

West: City Centre Building (office).

Current Zoning Classification:

The parcel is currently zoned O-S-C High Rise Office.

Zoning Classification of Adjacent Parcels:

North: R-C Research Center.

South: O-S-C High Rise Office.

East: C-F Community Facilities (I-75 is not zoned).

West: O-S-C High Rise Office.

Future Land Use Designation:

The property is designated on the Future Land Use Plan as High Rise Office.

Stormwater Detention:

The applicant is proposing to detain storm water underground within storm drain pipes.

Natural Features and Floodplains:

The Natural Features Map indicates that there are no significant natural features located on the property.

Compatibility with Adjacent Land Uses:

The office building and accessory uses are compatible with adjacent uses along the Big Beaver Corridor, which in this area is characterized by office and accessory uses.

Compliance with Standards for Approval of Planned Unit Developments (Section 35.70.00)

***In considering applications for Planned Unit Developments, the Planning Commission and City Council shall make their determination based upon the following standards:***

***The overall design and all proposed uses shall be consistent with and promote the Intent of the Planned Unit Development approach, as stated in Section 35.10.00, and the Eligibility conditions as stated in Section 35.30.00:***

The Planning Department is pleased with recent additions made to the PUD application. The addition of the restaurant on the west side of the parking structure helps to break up the bulk of the parking structure on the west side of the building. In addition the restaurant provides a sense of enclosure on Wilshire Boulevard and strengthens the relationship of the structure with the street. When combined with the boulevard landscaping and the landscaping and sidewalk improvements along the east side of the street, a distinct sense of place will be created for Wilshire Boulevard.

The applicant is proposing to strengthen the pedestrian character of the Big Beaver Corridor by adding design elements such as brick pavers, street lighting, benches and street trees between the gateway treatment and the northwest corner of Wilshire Boulevard and Big Beaver Road. These improvements will complement the plaza/fountain area in front of the proposed building. More importantly, they are intended to serve as an example of high-end pedestrian improvements and amenities that will act as a catalyst for future pedestrian improvements on the Big Beaver Corridor.

***The proposed Planned Unit Development shall be consistent with the intent of the Master Land Use Plan:***

The application is consistent with the intent of the Future Land Use Plan, which classifies this parcel as High Rise Office.

***The proposed Planned Unit Development includes information which clearly sets forth specifications or information with respect to structure height, setbacks, density, parking, circulation, landscaping, views, and other design and layout features which exhibit due regard for the relationship of the development to the surrounding properties and uses thereon, as well the relationship between the various elements of the proposed Planned Unit Development. In determining whether this requirement has been met, consideration shall be given to the following:***

**The bulk, placement, and materials of construction of the proposed structures and other site improvements:**

The applicant has presented color rendered drawings of all sides of the office building, parking structure and restaurant. The office building design and location are appropriate for the location of the parcel. The footprint of the buildings and parking structure covers approximately 40% of the site. The bulk of the parking structure as it relates to the office building is significant; however, the elevations of the parking structure have been improved and are now more aesthetically pleasing. In addition, the restaurant attached to the parking structure helps to reduce this bulk. Approximately 26.29% of the property (excluding greenbelts) is open space.

***The location and screening of vehicular circulation and parking areas in relation to surrounding properties and the other elements of the development:***

The applicant proposes 2 two-way entry drives off of Wilshire Road. A two-way drive will circulate around north and east sides of the parking structure. A drop-off area for valet parking is proposed for the east side of Wilshire Boulevard, in front of the restaurant. One drive will circulate around the east, south and west sides of the proposed office tower. There are 49 off-street parking spaces proposed for the front of the office building, the remainder will be inside the parking structure.

An additional service drive north of the restaurant will accommodate deliveries and garbage trucks. It appears that a valet drop-off area could be added to this area. Vehicular circulation will generally be screened by plant materials and the landscaped berm along the perimeter of the development.

At the request of the Planning Commission, the landscaped berms along both Wilshire and Big Beaver have been reduced in height from 36 inches to 24 inches. The finish floor elevation of the office building has been increased by one foot. This has had the effect of sinking the off-street parking area on the south side of the building.

***The location and screening of outdoor storage, loading areas, outdoor activity or work areas, and mechanical equipment:***

The truck dock and compactor area are to be located on the east side of the proposed office building. The restaurant dumpsters will be located in a dumpster enclosure next to the parking structure.

***The hours of operation of the proposed uses:***

The hours of operation for the office, bank and restaurants will be consistent with other uses in the area.

***The location, amount, type and intensity of landscaping, and other site amenities:***

The parking structure will be screened from the north by an 8-foot high landscaped berm. Trees will be planted along the eastern and western sides of the parking structure to soften its visual impact. Trees will be planted within the MDOT right-of-way to soften the appearance of the parking structure from I-75 and the I-75 exit ramp. The second level of the parking structure will have a landscaped area near the entrance to the office building.

Some landscaping will be provided along the front of the building, as well as within a 20-foot wide landscaped greenbelt along Big Beaver Road and Wilshire Road. The Wilshire Road median will be planted with trees to further soften the appearance of the parking structure from the west. A 24" high berm along the non-plaza frontage between Big Beaver and the main entry drive will be located within this greenbelt area. The southeast corner of the development will be provided with a landscaped gateway entrance treatment for vehicles entering the city from the I-75 exit ramp. A landscaped public space will be connected to the sidewalk along Big Beaver. The site plan indicates that there will be a water feature with an "eagle sculpture" and water sprayers. A conceptual rendered drawing of this proposed improvement has been provided, although a specific design has not been completed at this time.

***The proposed development shall not exceed the capacities of existing public facilities and available public services, including but not limited to utilities, roads, police and fire protection services, recreation facilities and services, and educational services (Section 35.70.04):***

The applicant is proposing to install a right turn lane at Wilshire Drive on westbound Big Beaver and a second left turn lane to the west of Wilshire Drive. The City Traffic Engineer agrees with these proposed improvements to Big Beaver.

Wilshire Boulevard has been redesigned to accommodate vehicular stacking and turnaround movements for traffic entering and exiting the Sterling Corporate Center. These modifications were requested by the City Traffic Engineer, and will eliminate left hand turns for traffic exiting the development.

***The Planned Unit Development shall be designed to minimize the impact of traffic generated by the PUD on the surrounding uses and area (Section 35.70.05):***

Tetra Tech prepared an Office Development Traffic Impact Study for the proposed development in June 2001. The report lists a number of recommendations to help mitigate the impacts from traffic generated by the proposed project. The applicant

has agreed to implement all recommended improvements, including additional turning lanes on Big Beaver Road.

***The Planned Unit Development shall include a sidewalk system to accommodate safe pedestrian circulation throughout the development, and along the perimeter of the site, without undue interference from vehicular traffic:***

The applicant has provided a sidewalk on the north side of Big Beaver Road. This sidewalk will be connected to the front of the building and the west entrance to the parking structure. In addition, a sidewalk is proposed along the east side of Wilshire Drive, west of the building and structure. This sidewalk system ties into the sidewalk improvements proposed for both Big Beaver and Wilshire.

The applicant has proposed to provide financial assistance to the City, in an amount agreed upon with the Planning Department and Planning Consultant, so that the City may undertake a Big Beaver Road Corridor Urban Design Study.

***The proposed Planned Unit Development shall be in compliance with all applicable Federal, State and local laws and ordinances:***

The application is in compliance with all local, state and federal laws and regulations.

Attachments:

1. City Manager John Szerlag's Memorandum (dated December 30, 2002)
2. Maps
3. Carlisle/Wortman Associates Inc. Report (Revised September 2, 2003)
4. Planning Commission Minutes
5. P.U.D. Notebook

cc: Applicant  
Richard Carlisle, Carlisle/Wortman Associates  
File/PUD-003

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December 30, 2002

TO: Gary Shripka, Assistant City Manager/Services  
John Abraham, Traffic Engineer  
Bill Huotari, Deputy City Engineer  
Mark Miller, Planning Director  
Doug Smith, Real Estate & Development Director  
Mark Stimac, Director of Building/Zoning  
Steve Vandette, City Engineer

FROM: John Szerlag, City Manager

SUBJECT: Uniformity of Analysis When Reviewing Proposed  
Planned Unit Developments (PUDs)

Our PUD ordinance is saturated with criteria to justify and quantify when PUDs can be utilized. And now that we no longer have a dimensioned requirement for PUDs, we're going to be using this ordinance for proposed infill developments; at least until such time as we develop an infill ordinance. In any event, our objective is to remain fair and consistent in determining what factors should be examined to achieve a fair balance between community benefit and developer output. Thus while each proposed PUD should have comment on each criterion listed in the ordinance, it would be of benefit to Planning Commission, City Council and developer to have an overview of what is being proposed in terms of the following elements:

1) Environment

- ☐ What is being done to preserve significant natural features and open space areas?
- ☐ Is any area being designated as a conservation easement?
- ☐ Is any blight to be eradicated?

2) Traffic

- ☐ Identify traffic volumes of proposed development to what could be generated from maximum density under existing zoning classifications. Relate to peak and non-peak times.
- ☐ Analysis to also include comparison of traffic patterns and points of ingress/egress from proposed development to what could be developed under existing zoning.

# Uniformity of Analysis When Reviewing Proposed Planned Unit Developments (PUDs)

December 30, 2002

Page Two

## 3) Durability of Design and Use

- ☐ What architectural features, materials, and building elements are being proposed that exceed industry standards? Also delineate obstacles developer had or will overcome in achieving this particular site development, and include any assemblage of adjacent parcels in your commentary.
- ☐ Comment on how landscaping on the proposed site compares to basic requirements.
- ☐ If you were to visit this site in 50 years, what do you think you'd see?
- ☐ How does proposal compare with general direction of the master land use plan?

## 4) Economics

- ☐ Determine if proposed PUD will be a catalyst to improve and/or support surrounding area.
- ☐ If a density incentive is being proposed, determine differential from maximum density under applicable zoning

## 5) Public Input

- ☐ As the first stages of a PUD is a blending of developer and staff input which is later calibrated by the Planning Commission and City Council, meetings will be held with surrounding property owners prior to the public hearing at the Planning Commission level. Staff members will attend the informational meeting along with the developer so that public input comments can be made as part of the analysis by staff to the Planning Commission, and City Council; also because staff will have had input in the PUD plan.

In order to adequately address the above issues, the developer will need to submit a site plan that comports with existing zoning. This submittal will be in tandem with a proposed PUD.

Before formalizing this process via administrative memorandum, please let me know if there are any other factors you, as well as individuals copied below, would like considered in this executive summary of PUDs.

JS/mr\2002\Procedure for Reviewing Proposed PUDs

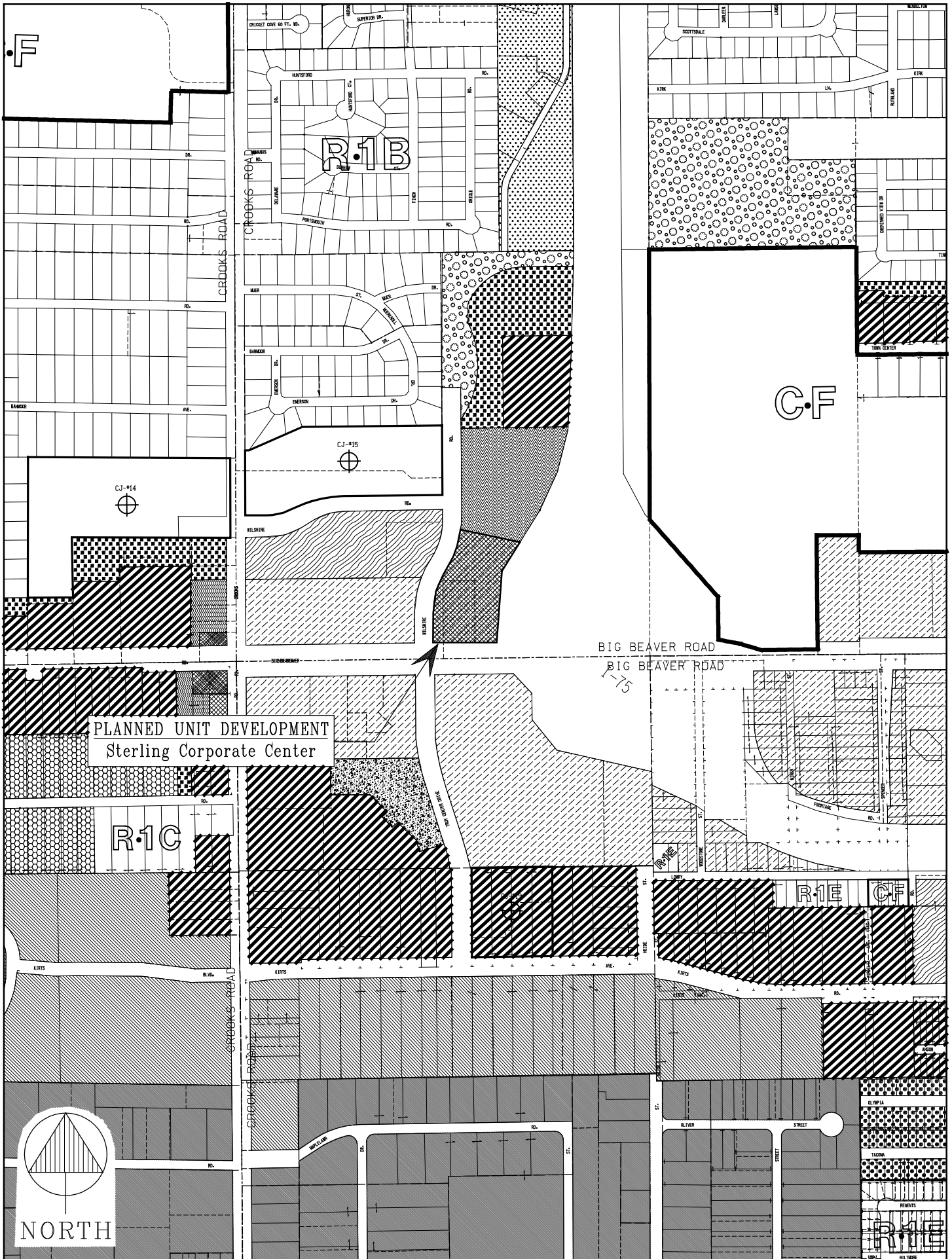
c: City Council  
Planning Commission  
Lori Grigg Bluhm, City Attorney  
Susan Lancaster, Assistant City Attorney



# CITY OF TROY









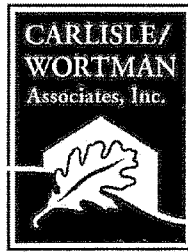
PLANNED UNIT DEVELOPMENT  
STERLING CORPORATE CENTER  
N SIDE OF BIG BEAVER, W OF I-75  
SEC. 21 O-S-C (PUD-3)



PROPOSED PLANNED UNIT DEVELOPMENT  
STERLING CORPORATE CENTER

0 100 200 400 Feet





*Community Planners Landscape Architects*  
605 S. Main, Suite 1 Ann Arbor, MI 48104 734-662-2200 fax 734-662-1935  
6401 Citation Dr., Suite E Clarkston, MI 48346 248-625-8480 fax 248-625-8455

Date: February 4, 2003  
Revised: March 4, 2003  
Revised: April 2, 2003  
Revised: August 1, 2003  
Revised: September 10, 2003

## **Planned Unit Development/Site Plan Review For City of Troy, Michigan**

### **GENERAL INFORMATION**

**Applicant:** Burton-Katzman Development  
30100 Telegraph Road  
Suite 366  
Bingham Farms, Michigan 48025

**Project Name:** Sterling Corporate Center

**Plan Date:** December 4, 2002

**Latest Revision:** September 2, 2003(cover page)

**Location:** Northwest corner of I-75 and Big Beaver Road

**Zoning:** O-S-C, Office Service Commercial

**Action Requested:** Preliminary Site Plan and PUD approval.

**Required Information:** Provided

### **PROJECT AND SITE DESCRIPTION**

The applicant proposes to build a thirteen (13) story office building; comprised of 300,869 gross square feet. In addition, a 9,800 square foot building planned as a restaurant is located along the

Wilshire frontage. The buildings will be served by an attached five (5) level parking structure (with one level below ground). The project is located on a 5.91 acre site. The first floor of the building will contain restaurants and a branch bank. Other supportive service uses are possible. Upper floors will be devoted to office use.

A number of significant changes have been made throughout the process. The following summarizes modifications which have been made to improve the project:

- Extensive improvements have been made in terms of streetscape improvements and pedestrian walkability. As a result, the Sterling Office Center can be significant in terms of redefining the Big Beaver corridor from what is otherwise an automobile oriented, pavement dominant environment. Through both hardscape (pavement treatments, street furniture, etc.) and softscape (landscape), the applicant is proposing to set a tone that will challenge others to follow. Furthermore, they have committed to provide funding for an urban design plan for Big Beaver between I-75 and Crook that will allow their conceptual ideas (depicted on Sheets C-3&C-5) to be transformed into more specific design plans.
- The parking garage has been moved on the site eastward to accommodate a new building between Wilshire Drive and the parking structure. The two story building along Wilshire Drive is 9,800 square feet in size and will be attached to the parking structure. This new building, in conjunction with the addition of architectural elements on the top of the parking structure, will improve the appearance of the structure from Wilshire and Big Beaver Road and will enhance the mixed use nature of the project.
- Stormwater retention has been relocated to oversized, underground pipes, which will improve the appearance of the site.
- A landscape area has been included on a section of the second floor overhang connecting the parking garage and office building.
- In addition to enhancements proposed along their frontage, the applicant will be providing street trees and other landscape improvements along Wilshire. They will also extend sidewalks to the point where Wilshire makes its turn westward.
- Gateway enhancement remains part of the plan with landscaping of the cloverleaf (with MDOT approval) and gateway signage on the applicant's property.
- Stronger articulation of quality building materials has been provided. Greater use granite is indicated. More detailed material sample illustrations are provided on Sheet AR-9 and AR-10.
- The front landscape berm has been reduced in height to enhance views of outdoor seating areas, landscape plaza, and lower building façade.



- One parking space has been eliminated on each side of the front pedestrian plaza, again to enhance views into the site and to increase the pedestrian appeal to this area.



## TRAFFIC IMPACT

The applicant's traffic impact study of the proposed development was previously submitted and has served as the basis for a number of the City's recommendation. In addition to the improvements that will be made based on the traffic study, the City's Traffic engineer has recommended reconfiguration of the median of Wilshire.

Finally, City staff expressed concern about the location of valet parking. As a result, a turnoff drive, separated from Wilshire will now be provided.

*Items to be Addressed: None.*

## ESSENTIAL FACILITIES AND SERVICES

The site has access to water and sewer that is located in Wilshire Drive. Storm sewer is available to the site from Big Beaver and Wilshire Drive. All stormwater will now be handled by oversized underground piping.

*Items to be Addressed: None*

## **PUD ELIGIBILITY**

The Zoning Ordinance sets forth criteria in Section 35.30.00 Eligibility, for consideration of a project as a PUD. The following are our comments:

*Section 35.30.00, A. and B1:* The proposed development meets the general locational requirements set forth in Sections 35.30.00, A. and B1.

*35.30.00.C.1: Provide development quality objectives such as those referred to in Section 35.30.00-B-2 above.* In earlier submissions, the applicant relied heavily upon these standards primarily related to the building in order to justify the PUD. The revised plan places more emphasis on site improvements that will set a positive tone for the Big Beaver corridor. Furthermore, the applicant has provided a concept plan and committed to fund a more detailed design plan for Big Beaver, between I-75 & Crooks.

The new building adjacent to the parking structure, and addition of architectural elements, will vastly improve the appearance of the garage façade from Wilshire Drive. Incorporation of a granite base for up to the third level of the office building, a matching height for the parking structure and for the overhang between, will also improve the appearance of the buildings and will promote consistency among them.

The adjustment of the parking structure to include the new building on Wilshire changes the landscape plan along the I-75 frontage of the site. The landscaping proposed in this area are mostly evergreens and range in size from ten (10) feet to eighteen (18) feet. The effect that this screening will have is a screen of the first few floors. This landscaping, in conjunction with the new architectural elements, should provide an attractive appearance from I-75.

The applicant previously added a landscape area on the second level of the structure. This is at the entryway to the building and is an improvement to the plan. A concern expressed by the Commission has been the appearance and use of the top deck of the garage. The applicant has indicated that finding a use for the roof of the garage beyond parking, as a park or similar, would be of marginal benefit to the project. In absence of the other measures the applicant is now proposing, we believe that some use and landscaping of the rooftop could benefit the project. However, there will be a much greater benefit provided by the landscape, streetscape and site design improvements that have been added to the site, along Wilshire, and within the cloverleaf.

Revisions to the front landscaping, porte-cochère, water features and outdoor seating areas are potential "development quality objectives". As requested, designated areas for seating have been



delineated on the plan. There will be at least two (2) outdoor dining areas for the restaurants, one in front of the main building and one as part of the new restaurant.

Per the Planning Commission's request, the applicant has increased the finish floor elevation of the building and reduced the berms along Big Beaver Road and Wilshire Drive, each by one foot. This will ensure that views to the outdoor dining areas from each road will be preserved.

*35.30.00.C. 2: Provide a mixture of land uses that would otherwise not be permitted, provided that other objectives of this Article are met and the resulting development would promote the public health, safety, and welfare.* The project has been represented as "mixed use" in nature. The applicant has indicated in previous documentation that the ground floor will be reserved for commercial uses, including restaurants, health facilities, sundry shops, apparel shops, etc. All of the proposed uses are permitted in the underlying OSC District. The new restaurant fronting on Wilshire will further the case for mixed use on the site.

*35.30.00.C. 3: Provide a public improvement, or other facility used by the public, which could not otherwise be required, that would further the public health, safety, and welfare, or protect existing or future uses from the impacts of the proposed uses.* Improvements to the I-75 exit ramp cloverleaf, titled the "Gateway Treatment", and Wilshire Drive are identified public improvements as required. MDOT approval will be required for the landscaping of the cloverleaf.

In the previous plan, street trees were added to the center median of Wilshire Drive and at the east side of Wilshire near the Big Beaver intersection. Additional landscaping and pedestrian paving have been provided within the boulevard of Wilshire.

*35.30.00.C. 4: Alleviate traffic congestion.* Traffic congestion on the site was previously improved with the removal of the northeast entry into the garage, the widened exit at the bank drive-thru, the enlarged truck loading area and the additional exit lane at the main entrance to the site. The traffic impact study has been provided, and the applicant has indicated that all recommendations of the plan will be carried out including lane improvement on Big Beaver Road. Additional modifications have been made to the boulevard access and valet drop-off at the request of the City.

*35.30.00.C. 5. and 6.: Provide for the appropriate redevelopment or re-use of sites that are occupied by obsolete uses. Provide a complementary variety of housing types that is in harmony with the adjacent uses.* Not applicable.

*35.30.00.C. 7: Promote the intent of the Master Land Use Plan.* While the proposed development is generally in compliance with the Master Plan, the Master Plan does not specifically contemplate a development which is significantly greater than the intended intensity of the site. However, the Commission may make a finding that the project is both consistent with and advances the goal of the Master Plan. Given the location of the site and its relationship to surrounding land use, a building of this size, height and intensity would be appropriate, provided there are sufficient benefits afforded by the PUD.

***Items to be Addressed: None***

## PLANNED UNIT DEVELOPMENT STANDARDS

The Ordinance sets forth general standards in Section 35.40.00 General Development Standards. The following are our comments:

### A. Consistency with Intent of Master Plan:

The City of Troy Master Plan identifies the subject property as planned for High Rise Office. The Master Plan makes the following statements in regard to this land use category.

*"Encourage major office and office/research development within the geographic limits indicated on the Future Land Use Plan." Future Land Use Plan, page 18.*

- The subject property is a vacant parcel within an area planned for High Rise Office and is located at the highly visible corner of Big Beaver Road and the I-75 Expressway.

*"Subsequently take actions to optimize the revenue, service, and employment values of the office and office/research areas." Future Land Use Plan, page 18.*

- The site is similar in use to adjacent uses, and will generate tax revenue and employment opportunities for the City of Troy.

*"Encourage the provision of support service and commercial uses within office and office research developments." Future Land Use Plan, page 18.*

- The development is proposed to contain several support services, to include some of the following: two (2) full service restaurants (one within a separate building along Wilshire), a bank, shops, and health facilities, in the office building.

*"Initiate and support actions to aesthetically integrate and provide positive identities for office and office research areas." Future Land Use Plan, page 18.*

- The subject property is located at Big Beaver and I-75, which is a very prominent location both within the City of Troy and the Detroit Metropolitan Region. The site plan includes streetscape improvements, additional plantings, a landscaped plaza and a planned water feature. The site plan also provides landscape and architectural lighting along all of its property lines, of which particular concern are the I-75, Big Beaver Road and Wilshire Drive frontages. These features include berms, vegetation and architectural lighting.

The proposed parking structure has been stepped down at the rear of the property, reduced in width and added an underground level. The new plan includes the

addition of the building on the west side of the parking structure, incorporates new architectural elements and furthers a consistency of materials used between the office tower and parking structure. Each of these improvements will help to lessen the visual impact the office and parking structure.

*"Establish standards for the provision of pedestrian amenities and facilities on development sites." Future Land Use Plan, page 19.*

- The site plan provides increased landscape amenities that will encourage a pedestrian relationship with Big Beaver Road. A landscaped and paved area along Big Beaver connects to the existing front sidewalk and has been extended across Wilshire.
- The existing sidewalk at the northwest edge of the site has been extended the full length of the subject property's west boundary and connected to the sidewalk along Big Beaver Road as recommended.
- Sidewalks will be extended along Wilshire to the westward turn.
- The outdoor seating areas of the restaurants will promote a pedestrian scale that would encourage similar activities along Big Beaver.
- Outdoor benches have now been identified on Sheet L-3.

**B. Consistency and Compatibility with Adjacent Properties:** The proposed office building along Big Beaver Road and Wilshire Drive is in close proximity to other high-rise buildings:

- Directly south of the subject property on the south side of Big Beaver - twenty (20) story office building.
- To the west, on the west side of Wilshire Drive – thirteen (13) story office building.
- Twin, fourteen (14) story office buildings to the southeast.

**C. Open Space and Landscape Area:** Non-residential developments are to provide fifteen (15%) percent of open space and landscape area. Open space and landscape features are intended to be primary features of developments seeking PUD approval and are expected to provide substantially more open space area than that required for typical developments. Thirty-one (31%) percent of the site is dedicated to open space on the subject property.

**D. Stormwater Detention/Retention:** Stormwater previously proposed to be handled in a basin will be directed into oversized underground pipes. The balance of the site's drainage will be handled by the City of Troy's storm sewer.

**E. Parking:** Analysis provided below.

**F. Implementation Single/Cohesive Development vs. Multi-Stage Development:** The development on the subject site is to be completed in one (1) phase.

***Items to be Addressed: None***

## AREA, WIDTH, HEIGHT, SETBACKS

*The applicant has provided a narrative which describes the development's applicability with the standards of the PUD and requested deviations. In regards to setbacks and other dimensional requirements:*

	<b>Required O-S-C</b>	<b>Provided O-S-C</b>
<b>Lot Area</b>	1.5 acres	5.91 acres
<b>Setbacks</b>		
<b>Front (south)</b>	137.5 ft.	105.6 ft.
<b>Side (west)</b>	137.5 ft.	20 ft.
<b>Side (east)*</b>	67.5 ft.	38.6 ft.
<b>Rear (north)</b>	135 ft.	48.3 ft.
<b>Building Height</b>	330 ft.	191 ft.
<b>Intensity Control</b>	177,300 sq. ft.	310,665 sq. ft.

\* = Required setback can be reduced when abutting a limited access freeway right-of-way.

As the table indicates, the bulk of the proposed development will result in deficient setbacks on each side and the project exceeding the Intensity Control per Section 26.70.00.

***Items to be Addressed: None***

## PARKING, LOADING

### Parking Analysis

The Site Data table indicates the following number of spaces as provided:

	<u>Required</u>	<u>Provided</u>
<b>Off-Street</b>	Office: 1,146 Restaurant: 344 Total: 1,490	Deck: 1035  Total: 1,098
<b>Barrier Free</b>	21	22
<b>Van-Accessible</b>	3	3
<b>Loading</b>	5	3

The applicant based office parking spaces based on eighty (80%) percent usable space of 286,607 at one (1) space per two hundred (200) sq. ft. and commercial/restaurant space based on fifty (50%) percent of total for a dining area of 24,062 at one (1) space per thirty-five (35) sq. ft.

The applicant has provided a study by Desman Associates, the applicant's parking consultant, detailing the parking needs of the facility. According to the report, uses are projected to have a peak need for 1,002 spaces on weekdays and five hundred twenty-one (521) spaces on weekends. Shared parking, seasonal and hourly variation in use will likely be a significant factor in the amount of necessary parking.

Based on this information, permission for the three hundred seventy-five (375) fewer spaces than the 1,490 required is appropriate. Factoring the 1,002 spaces recommended in the parking consultant's report with the additional one hundred thirty-five (135) spaces required by the new restaurant, the site would be deficient by only twenty-two (22) spaces (this does not factor the shared parking, seasonal and hourly variation discussed before). Therefore, we would support this reduction in parking due to varying peaks in parking for the proposed uses.

#### Parking Structure Width

As noted, the width of the parking spaces are deficient in some areas by one-half (1/2) of a foot. According to the Ordinance, parking stalls within multi-level parking structures may be placed at nine (9) feet in width, subject to the approval of the Planning Commission.

#### Loading Areas

A structure over 100,001 square feet in gross square footage is required to provide five (5) loading spaces. The applicant has indicated in his response that only three (3) loading spaces are needed for the site. Loading areas should be dimensioned at 10' x 50' or 500 square feet in area. The loading area for the office tower is dimensioned at 45' x 35', for a total of 1575 square feet in area. While the required amount of square feet is met, the length of the spaces will be deficient by fifteen (15) feet. Providing the required fifty (50) foot length would require extension into the lane of traffic.

The service area for the restaurant will include a loading space. There is adequate area both for maneuvering and to meet the required 10' x 50' dimensions.

Given the nature of the use, we would recommend that three (3) loading spaces and the reduced loading space length are adequate.

*Items to be Addressed: None*

## **SITE ACCESS AND CIRCULATION**

*Site Access:* The main entry is from the west, off of Wilshire Drive. This access drive is nearly fifty (50) feet in width with a fifteen (15) foot ingress lane, and includes two (2) egress lanes totaling twenty-four (24) feet. The lanes are separated by a boulevard island. A second twenty-four (24) foot drive is located at the north end of the site. The revised plan also includes an approximately twenty-five (25) foot drive at the rear of the proposed restaurant. This drive is strictly for service of the restaurant and will have no connection to the interior of the parking structure.

Due to the City's Traffic Engineer concern over the valet parking, a revised circle drive arrangement is provided. Furthermore, boulevard islands within Wilshire have been modified.

*Site Circulation:* The main access drive of the site is located in the southwest corner and provides access to the parking structure and surface parking in the southwest corner and south side (front) of the site. The access drive completes a loop from the southwest corner, through the surface parking on the south side, continuing along the west and north side of the parking structure, then finally ending at Wilshire Drive in the northwest corner. The drive is twenty four (24) feet in width, consistent with the previous plans.

In general, access to the parking structure and site circulation has been improved and will function adequately for the site.

*Items to be Addressed: None*

## **LANDSCAPING**

The landscape plan illustrates an attractive landscaping concept which includes a landscaped plaza water feature, improved pedestrian seating and amenities, and an enhanced streetscape concept. The type and landscaping proposed is what would be expected of a signature office building.

**Composition:** The composition is acceptable.

**Greenbelt:** The required ten (10) foot greenbelt has been provided. The number of trees for the greenbelt is calculated at one (1) tree for every thirty (30) lineal feet of frontage. Since there is a total frontage of 1,143.22 feet of frontage on both Big Beaver and Wilshire Drive thirty-eight (38) trees are required and provided.

In addition, a raised planting bed with water feature and sculpture in the center of the frontage along Big Beaver extends into the front greenbelt. Additional parking has been eliminated to enhance the appearance of this area. This area contains extensive planting comprised of different varieties of Junipers and Spirea.

**Rear Yard  
Screening:**

An eight (8) foot berm is proposed along the northern boundary of the site. Forty-two (42) coniferous trees are also proposed in an offset pattern for the top and inside slope of the berm. Half (1/2) of the berm and landscaping is located on the adjacent property to the north. The agreement for construction of the berm and for maintenance of the landscape materials has been provided.

**Porte-  
Cochere:**

A porte-cochere is planned for the Big Beaver Road elevation. The area on either side of, and in front of the porte-cochere, is designed as a landscaped plaza. A circular planting area in the center of a semi-circular drive between the porte-cochere and the water feature/planting area is also included. The flags previously proposed within the greenbelt have been moved to this circular planting area.

**Water  
Feature:**

An 18.5' x 85' pool/water feature is proposed. The feature will include a sculpture in the center of the feature, with water aerators on either side. The water feature will also allow for seating along its edges. While final designs for such are still being worked out and final designs will be provided when available, the Plaza Perspective elevation of the water feature provides an indication of what will be an attractive feature.

**Site**

**Landscaping:**

Developments requesting PUD approval shall provide substantially more open space area than required for typical developments within the underlying zoning district (fifteen (15%) percent for non-residential sites). Thirty-one (31%) percent of the site has been provided for site landscaping.

**Off-Site**

**Landscaping:**

As indicated, the applicant proposes extensive landscaping of a portion of the interchange. This will be a clear benefit of the project. Landscaping has been provided in the median of Troy Center. An added benefit is the enhanced crossing at Wilshire.



**Other**

**Landscaping:** Landscaping has been provided on the overhang between the parking structure and office building. This should improve the appearance of the second floor entry.

**Details:** Provided.

**Refuse**

**Container:** There are three (3) areas designated on the site plan for either a dumpster or trash enclosure. A compactor location is identified inside the truck loading area, while a trash enclosure is located just inside the parking structure at its southwest entry. The new restaurant includes a dumpster directly behind it. No details of such have been provided.

*Items to be Addressed: None*

## **LIGHTING**

*Parking Lot:* Seven (7) pole mounted down light fixtures are proposed.

*Greenbelt:* Seventeen (17) ground landscape fixtures are proposed to be located between the canopy trees and other landscaping along Big Beaver and Wilshire Drive.

*Front Landscape Plaza:* In front of porte-cochere, the following number of fixtures are proposed in the planting beds: Twelve (12) ground landscape fixtures, seven (7) bollards with directional shielding around the north side of the semi circular drive.

*Southwest Parking Structure Entrance:* Two (2) ground landscape fixtures.

*Water Feature/Raised Planting Bed and Surrounding Area:* Six (6) recessed wall luminaries, four (4) bollard lights, and five (5) ground landscape fixtures (also part of Greenbelt).

*Office Tower / Parking Structure Wall:* The office tower includes thirty-six (36) wall fixtures to softly light the tower's base, arcade, façade and roof overhang. All lighting previously proposed for the parking structure wall has been removed on the most recent plan.

*East Landscape Area:* Eight (8) ground landscape fixtures are proposed.

*Site Drives:* Twenty-one (21) pole mounted light fixtures are proposed throughout the site.

Light Fixture	Number
Recessed Wall Luminaries	6
Ground Landscape Fixtures	39
Bollards	11
Parking Lot Pole Mounted Lights	7
Wall Fixtures	36
Total	102

A photometric plan has also been submitted at this time and is appropriate.

*Items to be Addressed: None.*

## **SIGNS**

Tenant signs are proposed to be located on the north and west elevations on the front of the porte-cochere. Two ground signs indicating tenants are also proposed and details have been provided. Section 9.02.03 of the Ordinance permits two ground signs for sites located on major thoroughfares. The second of the two signs may not exceed thirty-six (36) square feet. Based on the proposed monument sign which is located adjacent to Big Beaver Road, maximum sign area is exceeded by approximately twenty-nine (29) feet. Given the size of building and its location, we do not believe the increased signage is unreasonable.

Directional signage for the building has been indicated. No details have been provided for the exit, entrance, or delivery signs at this time.

A ground sign for the proposed Gateway Treatment has been provided at the southeast corner of the site along Big Beaver Road. This sign is proposed to be a business corridor identity sign - "Welcome to Troy", and will be reviewed by the City. The applicant has indicated that the sign details have been provided to the Gateway Committee for review and selection.

*Items to be Addressed: None.*

## **FLOOR PLANS AND ELEVATIONS**

Elevations have been provided for both the building and parking structure. The applicant has provided better representation of the quality of materials to be used. Sheets, AR-9 and AR-10 depict both interior and exterior finishes.

*Items to be Addressed: None.*

## RECOMMENDATIONS

A number of significant improvements have been made to the site plan over the course of our reviews. Greater emphasis has been placed on using the project to encourage a positive image of the Big Beaver corridor. Many of the revisions relate to the pedestrian scale, missing from past revisions. Enhancement of walkways, addition of street furniture and improvements to the crossing at Wilshire, all add to improved walkability. Of particular note is the new restaurant attached to the parking structure and the additional architectural elements incorporated onto the structure's façade. These improvements, coupled with a reduction in height and footprint, a consistency of materials on both the lower and upper floors, and a landscaped area on the overhang connection between the structure and office tower, will help to decrease the bulky appearance of the structure.

The continued improvements that the applicant has made allow us to make a recommendation of approval. Of the several objectives set forth in Section 35.30.00.C, we are able to positively determine that portions of C.1 (quality development objective), and C.3 (provide public improvements) are met. The incorporation of the new restaurant will help to increase the mixed-use aspects of the site and therefore further a case for requirement C.2 (mixture of land uses).

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CARLISLE/WORTMAN ASSOCIATES, INC.



Richard K. Carlisle, PCP

RKC:jk

# 225-02-2202

cc: Charles M. DiMaggio, Burton-Kazman Development Company, FAX (248) 647-2120  
Jim Butler, Professional Engineering Associates, FAX (248) 689-1044

4. PUBLIC HEARING – PROPOSED PLANNED UNIT DEVELOPMENT (PUD-3) –  
Proposed Sterling Corporate Center, North Side of Big Beaver, West of I-75,  
Section 21 – O-S-C

Mr. Miller presented a summary of the Planning Department report for the proposed Sterling Corporate Center PUD. Mr. Miller reported that it is the recommendation of the Planning Department to approve the PUD.

Mr. Carlisle, Planning Consultant, presented a summary of his report on the proposed PUD. He noted that as a result of extensive discussions among the petitioner, Planning Department, City staff and himself, all original concerns have been addressed. Mr. Carlisle gave an overview of the recent revisions to the plan that have made it an acceptable Planned Unit Development project; i.e., extensive streetscape and pedestrian walkability improvements, a restaurant attached to the parking structure, storm water retention and landscaping improvements, and quality building materials. It is the recommendation of Mr. Carlisle to approve the PUD.

The petitioner, Peter Burton of Burton Katzman Development Company, 30100 Telegraph Road, Suite 366, Bingham Farms, was present. Mr. Burton said it has been three years of working together with City staff, politicians, the Planning Commission and the Planning Consultant to create the PUD document. The PUD ordinance has been achieved to create a project that fits a vision of the City of Troy from a planning perspective as well as maximizing value. Mr. Burton said the project would be one of which everyone can be proud, and he looks forward to working with the community in seeing the project to its fruition.

Mr. Strat asked the petitioner why cross sections of the pedestrian walkway and parking lot have not been provided as requested by the Commission.

Chuck DiMaggio of Burton Katzman was present. Mr. DiMaggio responded that a cross section prepared by the project engineer was discussed at a previous study session, at which time it was attempted to address Mr. Strat's concerns. He stated that a total depression of the parking area could not be accomplished because of the complexities involved with the storm water drainage system and handicapped facilities from the parking spaces up to the level of the building. Mr. DiMaggio said that Mr. Strat's suggestions were seriously considered and believes they have been addressed meaningfully.

Mr. Strat commented that no documentation has been provided to the fact that the depression of the parking lot could not be accomplished due to the underground water retention.

Mr. Burton responded that the project engineers have tried to their greatest extent to accomplish the depression of the parking lot, as suggested by Mr. Strat, and wanted to go on record to state that they would continue to work on improving that concept.

Mr. Kramer questioned the proposed landscaping on the MDOT property within the I-75 Interstate cloverleaf.

Mr. Burton stated that there is no way to assure MDOT's commitment to the landscaping, but Burton Katzman promises to work together with the City to get the landscaping. Mr. Burton said that in the event MDOT does not achieve the landscaping, Burton Katzman has committed to donate to the City the equivalent dollar amount of the landscaping for other improvements along Big Beaver Road. Mr. DiMaggio stated that contacts with MDOT relative to landscaping the cloverleaf have led Burton Katzman to believe it is achievable. Mr. DiMaggio said a permit application has been submitted to MDOT.

Mr. Miller reported the preliminary plan includes the I-75 cloverleaf landscaping, and the plan would have to be considered again should MDOT not commit to the landscaping prior to final plan approval. Mr. Miller said he is comfortable with the proposal at this time because of the commitment made by Burton Katzman in their September 7, 2003 communication.

#### PUBLIC HEARING OPENED

No one was present to speak.

#### PUBLIC HEARING CLOSED

Mr. Storrs said he initially thought and still thinks the proposed development does not qualify under the PUD ordinance, even with the substantial changes and improvements that have recently been made. He cited that the development fails six of the eight objectives under the *Intent* and believes the proposed improvements do not justify the 70% increase in office density. Further, Mr. Storrs said that the development fails three out of the five objectives under *Eligibility*, as well as failing some of the General Development standards. Mr. Storrs said he would like to see a more aggressive mixed-use development on the site.

#### **Resolution # PC-2003-10-029**

Moved by: Waller

Seconded by: Wright

**RESOLVED**, That the Preliminary Plan for a Planned Unit Development, pursuant to Article 35.60.01, as requested by Burton Katzman, for the Sterling Corporate Center Planned Unit Development (PUD – 3), located on the north side of Big Beaver Road and on the west side of I-75, located in section 21, within the O-S-C zoning district, being 5.91 acres in size, is hereby recommended for approval by the Planning Commission.

**BE IT FURTHER RESOLVED**, the proposed PUD meets the location requirements set forth in Article 35.30.00, A and B.2.

**BE IT FURTHER RESOLVED**, pursuant to Article 35.30.00.C.1, the applicant demonstrated quality objectives such as those referred to in Section 35.30.00-B-2. In the earlier submissions, the applicant relied heavily upon these standards primarily related to the building in order to justify the PUD. The revised plan places more emphasis on site improvements that will set a positive tone for the Big Beaver corridor. Furthermore, the applicant has provided a concept plan and committed to fund a more detailed design plan for the Big Beaver Corridor.

**BE IT FURTHER RESOLVED**, pursuant to Article 35.30.00.C.2, the applicant provides a mixture of land uses that would otherwise not be permitted, provided that other objectives of this Article are met and the resulting development would promote the public health, safety, and welfare. The project has been represented as "mixed use" in nature. The applicant has indicated in previous documentation that the ground floor will be reserved for commercial uses, including restaurants, health facilities, sundry shops, apparel shops, etc. All of these proposed uses are permitted in the underlying O-S-C zoning district. While the restaurant, fronting on Wilshire Drive furthers the case for mixed use on the site, in that it would not be permitted in the underlying O-S-C zoning district.

**BE IT FURTHER RESOLVED**, pursuant to Article 35.30.00.C.3, the applicant provides a public improvement, or other facility used by the public, which could not otherwise be required, that would further the public health, safety, and welfare, or protect existing or future uses from the impacts of the proposed uses. The improvements to the I-75 exit ramp cloverleaf, titled the "Gateway Treatment", and Wilshire Drive are identified public improvements as required. In addition, street trees and pedestrian paving were added to the center median of Wilshire Drive and at the east side of Wilshire near the Big Beaver intersection.

**BE IT FURTHER RESOLVED**, pursuant to Article 35.30.00.C.4, traffic congestion on the site was previously improved with the removal of the northeast entry into the garage, the widened exit at the bank drive-thru, the enlarged truck loading area and the additional exit lane at the main entrance to the site. The traffic impact study has been provided, and the applicant has indicated that all recommendations of the plan will be carried out including lane improvements on Big Beaver Road. Additional modifications have been made to the boulevard access and valet drop-off at the request of the City.

**BE IT FURTHER RESOLVED**, Pursuant to Article 35.30.00.C.7, the PUD is generally in compliance with the Future Land Use Plan. The Future Land Use Plan does not specifically contemplate a development which is significantly greater than the intended intensity of the site. Given the location of the site and its relationship to surrounding land use, a building of this size, height and

intensity would be appropriate, provided there are sufficient benefits afforded by the PUD.

***BE IT FURTHER RESOLVED***, that the Preliminary Planned Unit Development consist of a project manual, dated September 2 2003, which contains narratives, reduced plans, and full size plans, including the following:

Project Manual – Dated and Stamped September 2, 2003

Sheet P-3	Architectural Survey
Sheet P-4	Preliminary Site Plan
Sheet P-5	Open Space Plan
Sheet P-6	Big Beaver Road Improvements
Sheet P-7	Wilshire Drive Improvements
Sheet L-1	Preliminary Landscape Plan
Sheet L-2	Gateway Landscape Plan
Sheet L-3	Preliminary Streetscape Plan
Sheet L-4	I-75 Section Plan
Sheet L-5	Big Beaver Road Urban Design Concept Sketch
Sheet A-100	Circulation, Lighting and 1 <sup>st</sup> Level Plan
Sheet A-101	Lower & Second Level Plan
Sheet A-102	Third & Fourth Level Plan
Sheet A-200	North and South Elevations
Sheet A-201	East and West Elevations (stamped October 9, 2003)
Sheet A-202	Building Sign Elevations and Details (stamped October 9, 2003)
Sheet A-203	Building Sign Elevations
Sheet A-300	Building Sections
Sheet L-100	Site Lighting Plan
Sheet L-200	Site Lighting Photometric Plan
Sheet L-300	Building Lighting Plan
Sheet AR-1	Big Beaver Road Photographic Elevation (day)
Sheet AR-2	Big Beaver Road Elevation (night)
Sheet AR-3	North and South Elevations
Sheet AR-4	East and West Elevations
Sheet AR-5	City Wide Elevation
Sheet AR-6	Plaza Perspective
Sheet AR-7	Wilshire Drive Building Perspective
Sheet AR-8	Parking Structure Enlarged Elevations
Sheet AR-9	Building Material Examples
Sheet AR-10	Building Material Samples

Full Size Plans (Stamped by Planning Dept. - Revised Sept. 3, 2003):

Sheet P-1	Cover Sheet
Sheet P-3	Architectural Survey
Sheet P-4	Preliminary Site Plan
Sheet P-5	Open Space Plan

Sheet P-6	Big Beaver Road Improvements
Sheet P-7	Wilshire Drive Improvements
Sheet L-1	Preliminary Landscape Plan
Sheet L-2	Gateway Landscape Plan
Sheet L-4	I-75 Section Plan
Sheet A-100	Circulation, Lighting and 1 <sup>st</sup> Level Plan
Sheet A-101	Lower & Second Level Plan
Sheet A-102	Third & Fourth Level Plan
Sheet A-103	Floor Plans
Sheet A-200	North and South Elevations
Sheet A-201	East and West Elevations (stamped October 9, 2003)
Sheet A-202	Building Sign Elevations and Details (stamped October 9, 2003)
Sheet A-203	Building Sign Elevations
Sheet A-300	Building Sections
Sheet L-100	Site Lighting Plan
Sheet L-200	Site Lighting Photometric Plan
Sheet L-300	Building Lighting Plan

***BE IT FINALLY RESOLVED,*** That

1. The lower level of the building exterior (dark material) shall be all granite.
2. Uplighting all four sides of underside of pagoda style roof shall be allowed.
3. No illuminated signage on high-rise building on north or west side above 4<sup>th</sup> floor (ground floor plus 3 floors). Exterior signage for the restaurant located alongside the west side of the parking deck is allowed.
4. Parking structure has horizontal bars in open spaces (same as building).
5. If MDOT agrees, landscaping shall be provided along east edge of property on MDOT property, between the I-75 off-ramp and the property line plus in the Northwest cloverleaf of I-75 immediately east of the property. In addition, irrigation and/or lawn sprinklers will be provided on the MDOT property, with water being provided from the Sterling Bank site at no cost to MDOT or the City of Troy. Further, all maintenance and winterizing of the irrigation and/or lawn sprinklers on MDOT property will be the responsibility of Sterling Bank and/or Burton Katzman. If the above cannot be accomplished, then a cash payment to the City of Troy for alternate landscaping to the west of the site shall be provided of equivalent value of the landscaping proposed, due within six months of construction start.
6. Rooftop gardens concept shall be encouraged for the following locations:
  - 2nd level at building access to parking deck
  - top of building (adjacent to top two floors)
  - top of parking structure (partial)



If the rooftop gardens concept is utilized, the square footage allocated shall be considered in all calculations for landscaping, open space and green space.

7. Electrical connections shall be provided and maintained for a future gateway sign.
8. For Wilshire Boulevard, landscaping shall be provided in the median.
9. Commitments made to two neighboring subdivision shall be honored.
10. To allow maximum visibility of the front of the building, incorporate into the design for the front plaza area the lowest possible practical elevation for the parking and lower as much as possible the berm adjacent to the Big Beaver sidewalk.
11. The proposed urban sidewalk design shall be included. Consideration should be given to providing useful and decorative low level pedestrian scale lighting along Big Beaver Road.
12. For the fire service road to the north and east of the parking structure, consideration should be given for use of an open grid type paver for road construction. This would allow grass to grow in the open spaces and water to permeate.

#### Discussion.

Mr. Vleck suggested the motion request the petitioner to provide a side elevation plan that shows the building elevation, the front parking elevation and the Big Beaver Road elevation.

The Commission was in agreement.

Mr. Strat suggested the motion include pedestrian scale lighting along Wilshire Boulevard, as well as Big Beaver Road.

The Commission was in agreement.

Mr. Schultz suggested the motion include pedestrian scale lighting to be extended to the north property line of the project to give a cohesive finished appearance to the entire site (Concept Plan L-3).

The Commission was in agreement.

Discussion followed with respect to commitments made to the neighboring residents and the exterior illumination of the project.

**Resolution # PC-2003-10-030**

Moved by: Vleck

Seconded by: Storrs

**RESOLVED**, That item #9, "Commitments made to two neighboring subdivisions shall be honored" be deleted from the motion (Resolution #PC-2003-10-029).

Yes: Kramer, Littman, Storrs, Vleck, Wright

No: Schultz, Strat, Waller

Absent: Chamberlain

**MOTION CARRIED**

Vote on the motion (Resolution #PC-2003-10-029), as amended to read as follows.

***BE IT FURTHER RESOLVED***, That

1. The lower level of the building exterior (dark material) shall be all granite.
2. Uplighting all four sides of the underside of pagoda style roof shall be allowed.
3. No illuminated signage on high-rise building on north or west side above the 4<sup>th</sup> floor (ground floor plus 3 floors). Exterior signage for the restaurant located alongside the west side of the parking structure is allowed.
4. Parking structure has horizontal bars in open spaces, the same as the building.
5. If MDOT agrees, landscaping shall be provided along east edge of property on MDOT property, between the I-75 off-ramp and the property line plus in the northwest cloverleaf of I-75 immediately east of the property. In addition, irrigation and/or lawn sprinklers will be provided on the MDOT property, with water being provided from the Sterling Bank site at no cost to MDOT or the City of Troy. Further, all maintenance and winterizing of the irrigation and/or lawn sprinklers on MDOT property will be the responsibility of Sterling Bank and/or Burton Katzman. If the above cannot be accomplished, then a cash payment to the City of Troy for alternate landscaping to the west of the site shall be provided of equivalent value of the landscaping proposed, due within six months of construction start.
6. Rooftop gardens concept shall be encouraged for the following locations:  
2nd level at building access to parking structure  
top of building (adjacent to top two floors)  
top of parking structure (partial)  
  
If the rooftop gardens concept is utilized, the square footage allocated shall be considered in all calculations for landscaping, open space and green space.
7. Electrical connections shall be provided and maintained for a future gateway sign.
8. For Wilshire Boulevard, landscaping shall be provided in the median.
9. To allow maximum visibility of the front of the building, incorporate into the design for the front plaza area the lowest possible practical elevation for the

parking and lower as much as possible the berm adjacent to the Big Beaver sidewalk.

10. The proposed urban sidewalk design shall be included and extended to the north property line along Wilshire Boulevard. Consideration should be given to providing useful and decorative low level pedestrian scale lighting along Big Beaver Road and Wilshire Boulevard.
11. For the fire service road to the north and east of the parking structure, consideration should be given for use of an open grid type paver for road construction. This would allow grass to grow in the open spaces and water to permeate.
12. The Petitioner shall provide a side elevation drawing of the front of the building, including Big Beaver Road. This drawing shall be provided with the Troy City Council submission.

Yes: Kramer, Littman, Schultz, Strat, Vleck, Waller, Wright  
No: Storrs  
Absent: Chamberlain

### **MOTION CARRIED**

Chairman Littman stated that he is in agreement with Mr. Storrs' comments on the increased office density, but feels the development will be an attractive asset to a location that has been blighted for years.

Mr. DiMaggio expressed his appreciation to both the Commission and staff.

Mr. Storrs stated his findings are that the proposed PUD fails six of the eight objectives in the *Intent (35.10.00)* section, and that it also fails the objective that the provisions are not intended to be used as a device for avoiding the applicable zoning requirements. Mr. Storrs stated the proposed PUD fails three of five identified objectives in the *Eligibility (35.30.00 D.3.C)* section, as well as failing a number of General Development Standards. Mr. Storrs said he would like to see a much more aggressive use of mixed use, and feels a residential component is needed at that site.

5. PROPOSED PLANNED UNIT DEVELOPMENT (PUD-3) – Proposed Sterling Corporate Center, North side of Big Beaver, West of I-75, Section 21 – O-S-C

Mr. Savidant presented a summary of the Planning Department report for the proposed Sterling Corporate Center. Mr. Savidant reported the Planning Consultant, Richard Carlisle, would be present at the October 14, 2003 Regular Meeting to make his presentation. Mr. Savidant stated the Planning Department and Planning Consultant are in agreement that significant progress has been made on the PUD application and it is their recommendation to approve the PUD application.

A brief discussion followed on the recent changes made to the pedestrian improvements and amenities.

The petitioner, Chuck DiMaggio of Burton Katzman, 30100 Telegraph Road, Suite 366, Bingham Farms, was present. Mr. DiMaggio expressed appreciation for the approval recommendation given by both the Planning Department and Planning Consultant. He gave a brief background on the pedestrian improvements and amenities that are proposed to preserve the Big Beaver Road character and provide community activity.

Mr. Miller said that a direction was taken toward a new urban design and look along the Big Beaver Road corridor.

Mr. Strat expressed concern with the development as viewed by vehicular traffic and noted that the petitioner has not given appropriate documentation as to why the parking lot cannot be depressed. Mr. Strat voiced objection to the proposed ring road adjacent to I-75.

Mr. DiMaggio responded that the ring road is a requirement of the Fire Department. With respect to the depression of the parking lot, Mr. DiMaggio said he attempted to address that concern earlier and stated that the suggested depressed parking lot could not be accomplished without installing an elaborate pumping system for storm water.

John Barker of Hobbs & Black, project architect, said documentation with respect to depressing the parking lot would be provided at the October 14, 2003 Public Hearing.

Discussion followed on potential outdoor plaza space for future tenants with respect to whether the space should be defined within the PUD application, the building façade and exterior railing, and the green space calculations if landscaped.

There was discussion on the exterior building material and the pre-cast concrete dissimulated limestone appearance. Mr. Barker clarified the discrepancy in the

pre-cast concrete designation within the proposed packet and confirmed the designation would be corrected prior to the Public Hearing. Mr. Barker said the proposed building architecture would be similar to the House of Representatives building in Lansing and the Ford Conference Center building at Greenfield Village.

4. PUBLIC HEARING – PROPOSED PLANNED UNIT DEVELOPMENT (PUD-3) – Proposed Sterling Corporate Center, North side of Big Beaver, West of I-75, Section 21 – O-S-C

Mr. Savidant presented a summary of the Planning Department report for the proposed Sterling Corporate Center PUD. Mr. Savidant reported the revised PUD booklets were delivered to the Planning Department after the Labor Day holiday, which did not allow sufficient time for review by the Planning Department and Planning Consultant prior to tonight's meeting.

Chuck DiMaggio of Burton Katzman, 30100 Telegraph Road, Suite 366, Bingham Farms, was present. Mr. DiMaggio reported that a number of changes have been made to the project as a result of the meeting with City staff and a very clear sense of direction was received from staff with respect to the Big Beaver Corridor goals and objectives. Mr. DiMaggio noted three very important items that are inclusive of the revised booklets are: (1) a pledge of financial support to the City in the undertaking of the Big Beaver corridor study; (2) an analysis of the I-75 to Crooks Road node; and (3) additional pedestrian improvements to the sidewalk systems and additional amenities.

PUBLIC HEARING OPENED

No one was present to speak.

**Resolution # PC-2003-09-014**

Moved by: Littman

Seconded by: Strat

**RESOLVED**, That the Preliminary Plan for a Planned Unit Development (PUD 3), pursuant to Section 35.60.01, as requested by Burton Katzman, for the Sterling Corporate Center Planned Unit Development, located on the north side of Big Beaver Road and west of I-75, located in Section 21, within the O-S-C High Rise Office zoning district, being 5.91 acres in size, is hereby tabled to the October 14, 2003 Regular Meeting, for the following reasons:

1. The 35-day period will provide the Planning Department, City Planning Commission, Planning Consultant and the applicant an opportunity to review the revised Planned Unit Development application that was submitted to the City of Troy on September 2, 2003.

Yes: All present (8)

No: None

Absent: Waller (arrived 7:46 p.m.)

**MOTION CARRIED**

Chairman Littman announced that the Public Hearing would remain open for the October 14, 2003 Regular Meeting.



12. PROPOSED PLANNED UNIT DEVELOPMENT (PUD-3) – Proposed Sterling Corporate Center, North side of Big Beaver, West of I-75, Section 21 – O-S-C

Mr. Miller reported a meeting was held comprising himself, the Planning Consultant, Mr. Savidant and the petitioner, Mr. DiMaggio. Mr. Miller noted that it appears the petitioner may provide another public benefit to bolster the justification of the PUD criteria; in general, it would consist of additional pedestrian and urban design improvements.

Mr. Miller indicated to the petitioner that any information submitted to the Planning Department promptly before the Labor Day weekend would be reviewed and Planning Department and Planning Consultant recommendations would be available for the September 9<sup>th</sup> Public Hearing.

Ms. Lancaster referenced her memorandum attached to the Planning Department's report and stated it is necessary for the petitioner to identify and label each item as listed in the proposal's table of contents so that each item can be referenced as an exhibit for motion purposes.

Mr. Waller stated he hopes that among the efforts of City staff, the Commission and the Planning Consultant, the petitioner has received the message that the PUD documents must be accurately prepared and the proposal submitted as one complete document for approval. He noted it is the petitioner's responsibility to provide an explanation for any information that is not provided.

4. PUBLIC HEARING – PROPOSED PLANNED UNIT DEVELOPMENT (PUD-3) – Proposed Sterling Corporate Center, North side of Big Beaver, West of I-75, Section 21 – O-S-C

Mr. Miller presented a summary of the Planning Department report and reviewed the thirteen items detailed in the Planning Consultant's report as items to be addressed by the petitioner. The petitioner's response to the thirteen items was forwarded to the Commission in their meeting packets. Mr. Miller said the petitioner has moved forward in providing changes and improving the development, but noted the justification of PUD criteria should be expanded upon. It is the recommendation of the Planning Department to table the item.

Chuck DiMaggio of Burton Katzman, 30100 Telegraph Road, Suite 366, Bingham Farms, was present. Mr. DiMaggio said the correspondence dated August 7, 2003 responds to each of the thirteen items identified in the Planning Consultant's report. Mr. DiMaggio distributed and briefly reviewed several exhibits referenced in the August 7<sup>th</sup> letter that were not available at the time of delivery.

Mr. DiMaggio provided an explanation to items that might not have been suitably addressed in the August 7<sup>th</sup> response. Mr. DiMaggio said principles were established for the development of the Wilshire building façade with respect to design and materials. The petitioner is prepared to provide additional refinements and further details of the Wilshire building at the direction of City staff or the Commission.

Mr. DiMaggio stated the valet area has been modified to move the drop-off/pick-up area outside the right of way and within the boundaries of the site. The concern of stacking cars on Wilshire Boulevard has been addressed. Mr. DiMaggio said he is assuming the utility and drainage systems are adequate because the Engineering Department has not indicated otherwise. He noted the Commission's request to add a landscaped parking deck level is beyond economic realities. With respect to a park or open space, Mr. DiMaggio said the project provides urban open spaces (i.e., restaurants, cafes, plaza with benches) that seem more appropriate for the proposed urban development.

Mr. DiMaggio stated it does not appear feasible to suppress the surface parking between Big Beaver and the building for several reasons, noting difficulties with storm water drainage and handicapped accessible parking spaces. Mr. DiMaggio stated the water feature will be provided as indicated in the landscape plan and accompanying narrative dated July 2, 2003. The petitioner is agreeable to landscaping the west side of Wilshire Drive to the extent it is able to secure the necessary approvals from the City and the adjacent private property owner, and further to provide lighting on the gateway signage at the discretion of the Commission and City Management. Mr. DiMaggio said that should the proposed landscaping and beautification of the I-75 ramp in conjunction with MDOT not

happen, the petitioner would make a monetary donation to the City for other landscaping purposes. In addition, Mr. DiMaggio agreed to extend the pedestrian access along Wilshire Drive to the Magna property.

Jim Butler of Professional Engineering Associates was present. A brief discussion was held with respect to the parking lot suppression.

#### PUBLIC HEARING OPENED

No one was present to speak.

There was discussion on the preparation of PUD documents and the petitioner's submission of a more organized format of the entire project description. Ms. Lancaster will provide a list of outstanding items for the proposed PUD.

#### **Resolution # PC-2003-08-003**

Moved by: Kramer

Seconded by: Schultz

**RESOLVED**, That the Preliminary Plan for a Planned Unit Development (PUD 3), pursuant to Section 35.60.01, as requested by Burton Katzman, for the Sterling Corporate Center Planned Unit Development, located on the north side of Big Beaver Road and west of I-75, located in section 21, within the O-S-C Mid or High Rise Office zoning district, being 5.91 acres in size, is hereby tabled for discussion at the August 26, 2003 Special/Study Meeting and discussion and Public Hearing at the September 9, 2003 Regular Meeting.

Yes: Kramer, Littman, Schultz, Strat, Vleck, Waller

No: Storrs

Absent: Chamberlain, Wright

#### **MOTION CARRIED**

Mr. Storrs is not in agreement to entertaining the item at another Special/Study Meeting and encouraged the Planning Department and Legal Department to prepare a list of outstanding documents.

Chairman Littman announced that the Public Hearing would remain open for the September 9, 2003 Regular Meeting.

5. PROPOSED PLANNED UNIT DEVELOPMENT (PUD-3) – Proposed Sterling Corporate Center, North side of Big Beaver, West of I-75, Section 21 – O-S-C

Mr. Miller reported that the most recent Planning Consultant report was received after business hours on Friday, August 1<sup>st</sup>, and copies of the report were provided to the Commission at the beginning of tonight's meeting. Mr. Miller referenced the final two pages of the report and reviewed the itemized comments provided by the Planning Consultant.

Peter Burton and Chuck DiMaggio of Burton Katzman, 30100 Telegraph Road, Suite 366, Bingham Farms, were present.

Mr. DiMaggio confirmed that the Planning Department provided him a copy of the Planning Consultant report, as well as the Planning Department report. Mr. DiMaggio said that, particularly after reading the staff report, he questioned whether they and the City have a shared vision of the proposed development. He reviewed their justifications in meeting the PUD eligibility criteria, and stated full flexibility and accommodation in meeting Planning Commission wishes to get their approval and favorable recommendation to City Council.

Mr. Chamberlain voiced frustration in not receiving the Planning Consultant report in the meeting packet to allow the necessary time to review the report prior tonight's meeting.

Mr. Strat requested the petitioner to provide the specific facts as to why it is not feasible to depress the parking lot as discussed at an earlier meeting; and further to provide cross section sight line views of the development at various elevations.

Mr. DiMaggio suggested meeting with Mr. Strat and the petitioner's project engineer. Chairman Littman advised the petitioner that all discussion on the proposed development should be in the presence of the entire body.

Mr. Burton said he understood the complexities of the project and information transmission. He noted that initial discussion with the City on this proposed development began three years ago. Mr. Burton said that one tenant has been lost because of the time constraints, and asked the best procedure to follow so the information and reports are circulated in a timely manner.

There was discussion on potential action taken by the Commission at their August 12, 2003 Regular Meeting and the completeness of the PUD contract documents. There was general consensus that because outstanding concerns remain with respect to the justifications of PUD eligibility, the project is not ready for preliminary approval action.

Mr. Miller confirmed that the PUD contract documents are prepared after a PUD receives preliminary approval. Mr. Miller suggested that the petitioner provide its material to the Planning Department no later than the Thursday prior to a

scheduled meeting. This allows time for staff to prepare copies for delivery of meeting packets to the Commission on Friday afternoon. Mr. Miller further suggested the best procedure for preliminary review of material is to provide two copies to the Planning Department; one copy would be for review by the Planning Department and another copy would be provided to the Planning Consultant via overnight mail for his review.

9. PROPOSED PLANNED UNIT DEVELOPMENT (PUD-3) – Proposed Sterling Corporate Center, North side of Big Beaver, West of I-75, Section 21 – O-S-C

Mr. Savidant reported that the proposed Sterling Corporate Center PUD is in the process of City inter-departmental and Planning Consultant review. Once reviews from the City departments and the Planning Consultant have been received, the Planning Department will provide a report and recommendation to the Commission.

Chuck DiMaggio of Burton Katzman, 30100 Telegraph Road, Suite 366, Bingham Farms, was present. Mr. DiMaggio said there have been no revisions to the plan since its July 2<sup>nd</sup> submittal and confirmed that communication remains open with the Planning Department.

Mr. Strat asked the petitioner to provide two or three cross sections through the parking, building, and the road to get a sight line of the development at various elevations.

Mr. DiMaggio consented to the request.

5. PUBLIC HEARING – PROPOSED PLANNED UNIT DEVELOPMENT (PUD-3) – Proposed Sterling Corporate Center, North side of Big Beaver, West of I-75, Section 21 – O-S-C

Mr. Savidant reported the petitioner provided the Planning Department with a new set of plans on Wednesday, July 2, at 3:00 p.m. The Planning Department distributed the material for inter-departmental review and also for review by the Planning Consultant. The new material incorporates the addition of the restaurant building, with associated service drive, valet parking area and removal of the detention basin. After review by City Departments and the Planning Consultant, Mr. Savidant said copies would be circulated to the Planning Commission along with the Planning Department recommendation. It is the recommendation of the Planning Department to table the proposal to the next regular meeting.

Mr. Chuck DiMaggio of Burton Katzman, 30100 Telegraph Road, Suite 366, Bingham Farms, was present. Mr. DiMaggio spoke briefly on the consolidation of the material inclusive of all changes and justification of PUD eligibility into one book. Mr. DiMaggio noted the suggestion discussed at the last Planning Commission meeting to lower the parking lot to allow better visibility of the outdoor restaurant is not feasible because of drainage concerns. In an attempt to achieve the same goal, the berm was lowered two feet and the building was elevated one foot. Mr. DiMaggio reported items not included in the new book that were discussed at the last meeting are (1) the window mullions because they principally would not be visible and are not cost effective, and (2) landscaping the roof of the parking deck because its estimated \$3.8 million cost is a cost burden that the project cannot afford to assume.

Mr. DiMaggio requested the Commission's consideration in granting closure of the on-going Public Hearing to provide a clear slate for achieving approval at a future meeting.

Chairman Littman stated the Public Hearing should remain open as long as there are potential revisions to the proposal.

A brief discussion followed with respect to the petitioner's notification of the Planning Department's recommendation to table the proposal at tonight's meeting. It was suggested that the petitioner request the Planning Department to fax communications and reports in addition to mailing them.

Chairman Littman advised the petitioner that when material is submitted at the last moment, it does not provide enough time for City staff to review and takes longer to be placed on the agenda for consideration, often delaying the process up to one month.

**PUBLIC HEARING OPENED**

No one was present to speak.

Chairman Littman announced that the Public Hearing would remain open for the August 12, 2003 Regular Meeting.

**Resolution**

Moved by Chamberlain

Seconded by Wright

***RESOLVED***, that the Preliminary Plan for a Planned Unit Development (PUD 3), pursuant to Section 35.60.01, as requested by Burton Katzman, for the Sterling Corporate Center Planned Unit Development, located on the north side of Big Beaver Road and west of I-75, located in section 21, within the O-S-C Mid or High Rise Office zoning district, being 5.91 acres in size, is hereby tabled for thirty (30) days to the August 12, 2003 Regular Meeting, for the following reasons:

1. The petitioner submitted revised plans to the Planning Department on Wednesday, July 2, 2003 at 3:00 p.m. There was not reasonable and sufficient time for City Staff and the Planning Consultant to review the revised plans and provide a professional review and recommendation.
2. The 30-day period will provide City Staff and the Planning Consultant an opportunity to review the submission and determine whether it will meet the Eligibility Criteria of the City of Troy Zoning Ordinance.

A brief discussion followed relating to the intent of the motion on the floor. It was noted that the same conditions as discussed at the June 24, 2003 Special/Study Meeting remain.

**Yeas**

All present (8)

**Absent**

Vleck

**MOTION CARRIED**



8. PROPOSED PLANNED UNIT DEVELOPMENT (PUD-3) – Proposed Sterling Corporate Center, North side of Big Beaver, West of I-75, Section 21 – O-S-C

Richard Carlisle, Planning Consultant, presented a brief report on the latest revisions to the proposed Sterling Corporate Center PUD. The expansiveness of the parking structure in relationship to the office building and overall site has been a concern from the onset of the project. Mr. Carlisle reported the initial response of the petitioner was to lower the structure by burying one floor and to reduce the footprint. The second modification was the addition of architectural elements on the top of the structure that relate to the office building design. He noted a greater emphasis has been made to the aesthetics of the building material and detailed landscaping. Mr. Carlisle stated that the most dramatic revision is the addition of a building element capable of accommodating a restaurant along Wilshire Boulevard that provides a functional use along the frontage and adds ground level interest to the project. Mr. Carlisle noted that a curb cut off of Wilshire is proposed for use by service vehicles.

Mr. Carlisle summarized that all of the modifications proposed by the petitioner have significantly improved the project and its eligibility as a PUD. The mixed-use nature of the project has been enhanced and the image of the project from eastbound Big Beaver will be greatly improved. Mr. Carlisle complimented the petitioner for the positive action and direction.

There was a brief discussion. The Commission and Planning Department staff requested the petitioner to address the following items.

- Feasibility and cost factor of an enclosed parking structure.
- Deletion of transfer of development rights language within the PUD application, at the request of the Planning Department.
- Feasibility and cost factor of providing a landscaped parking deck roof.
- Landscaping the right of way in conjunction with MDOT and maintenance responsibility.
- Parameters of water feature in terms of scale and size.
- Outdoor public activity area.
- Feasibility of vertical window dividers to create pleasing aesthetics.
- Gateway entrance.
- Parameters of Wilshire Boulevard restaurant.

Chuck DiMaggio of Burton Katzman, 30100 Telegraph Road, Suite 366, Bingham Farms, was present. Mr. DiMaggio stated the set of plans before the Commission tonight is a complete package inclusive of all the changes to the project since its original submission. He confirmed they would delete any reference to transfer of development rights in the application, per the Planning Department request, but noted it was not their intent to propose such.

Mr. DiMaggio stated it is cost prohibitive to landscape the parking deck roof. Mr. DiMaggio reported the exact parameters of the water feature would not be available until a sculptor was hired, and noted the rendering does not capture the size or water projection of the water feature. Mr. DiMaggio stated the basic parameters of the Wilshire Boulevard restaurant are a minimum 9,000 square feet in size, two stories in height, and an outdoor dining area. He noted detailed parameters would be based on the restaurant tenant who is unknown at this time. Mr. DiMaggio confirmed they are continuing to work with the Gateway Committee and the City on achieving a gateway design.

Mr. DiMaggio reported that MDOT has given its conceptual approval with respect to landscaping the right of way, and noted a determination would have to be made with respect to the maintenance responsibility. Mr. DiMaggio stated the west side of the development is privately owned property and would not be landscaped by the petitioner.

Samples of various building materials were circulated by Architect John Barker of Hobbs & Black. It was confirmed that granite is proposed from the third floor down and concrete from the fourth floor up.

A question and answer period followed. The following are suggested revisions and/or items to be further reviewed and addressed.

- Depression of the front parking to create visibility of entrance and water feature.
- Detailed parameters and footprint of restaurant on Wilshire Boulevard.
- Detailed parameters of the water feature and its display during winter months.
- Cost analysis of a landscaped parking deck roof.
- Valet service and traffic circulation with the possibility of street side parking.
- Relocation of parking lot elevator closer to restaurant.
- Illumination of top of building.

4. PUBLIC HEARING – PROPOSED PLANNED UNIT DEVELOPMENT (PUD-3) – Proposed Sterling Corporate Center, North side of Big Beaver, West of I-75, Section 21 – O-S-C

Mr. Miller announced that the petitioner did not provide sufficient time for the Planning Department or Planning Consultant to review the updated preliminary plans for the proposed Sterling Corporate Center PUD. Mr. Miller reported that it is the recommendation of the Planning Department to table the item for thirty (30) days.

Mr. Chuck DiMaggio of Burton Katzman, 30100 Telegraph Road, Suite 366, Bingham Farms, was present. Mr. DiMaggio agreed with the Planning Department's recommendation to table the item.

Vice Chairman Storrs opened the floor for public comment.

There was no one present who wished to speak.

The floor was closed.

**Resolution**

Moved by Chamberlain

Seconded by Kramer

***RESOLVED***, that the Preliminary Plan for a Planned Unit Development (PUD 3), pursuant to Section 35.60.01, as requested by Burton Katzman, for the Sterling Corporate Center Planned Unit Development, located on the north side of Big Beaver Road and west of I-75, located in section 21, within the O-S-C Mid or High Rise Office zoning district, being 5.91 acres in size, is hereby tabled for thirty (30) days to the July 8, 2003 Regular Meeting, to allow the Planning Department, City Planning Commission, Planning Consultant and petitioner to review, negotiate and develop a Planned Unit Development application which is complete and which will meet the Eligibility Criteria of the City of Troy Zoning Ordinance.

Yeas

All present (7)

Absent

Littman  
Wright

**MOTION CARRIED**

8. PROPOSED PLANNED UNIT DEVELOPMENT (PUD-3) – Proposed Sterling Corporate Center, North side of Big Beaver, West of I-75, Section 21 – O-S-C

Mr. Savidant stated the petitioner met twice with Mr. Miller and the City's Planning Consultant since the May Regular Planning Commission meeting. The petitioner had suggested some revisions to the PUD and wished to discuss them with the Planning Commission.

Mr. Chuck DiMaggio of Burton Katzman, 30100 Telegraph Road, Suite 366, Bingham Farms, was present. Mr. DiMaggio presented the revised site plan for the Sterling Corporate Center PUD. The site plan was revised to include a two-story restaurant with rooftop dining, attached to the west side of the parking structure. Mr. DiMaggio presented two alternatives. One alternative is for the parking structure to remain as previously submitted, and the other is to move the parking structure to the east to provide more room for outdoor seating and landscaping. He indicated that it was the preference of Mr. Miller and Mr. Carlisle at their last meeting to move the parking structure to the east to provide additional space for amenities along Wilshire Boulevard.

John Barker, architect from Hobbs & Black, was present. Mr. Barker stated that the materials proposed for the parking structure would be identical to the materials used for the office building.

Mr. Kramer asked if the new restaurant would be accessible from the office building through the parking structure. Mr. DiMaggio responded in the affirmative.

General discussion followed.

Mr. Savidant stated that although the Public Hearing for this item has been tabled to the June 10, 2003 Regular Meeting, the petitioner had not yet submitted updated plans for review. He suggested that the petitioner request to be tabled to a later meeting which would provide the Planning Department and Planning Consultant sufficient time to review the revisions.

4. PUBLIC HEARING – PROPOSED PLANNED UNIT DEVELOPMENT (PUD-3) – Proposed Sterling Corporate Center, North side of Big Beaver, West of I-75, Section 21 – O-S-C

Mr. Miller presented a summary of the Planning Department report for the proposed PUD and noted that the petitioner has provided additional information since the item was tabled at the April 8, 2003 Regular Meeting.

The Planning Consultant, Mr. Carlisle, presented a review of his report and noted that it does not incorporate responses to the additional information recently provided by the petitioner. Mr. Carlisle expressed surprise at the high vacancy rate quoted in the current market study, and cautioned the Commission that other office projects may request concessions in the future if the proposed project is approved, built and siphons off some of the office market. Again, Mr. Carlisle cautioned the Commission to be very careful in its consideration of the full impact of the proposed development. Mr. Carlisle stated that, to date, he is not convinced that the attributes offered by the proposed development warrant the additional square footage on the site. In summary, Mr. Carlisle stated it is his opinion that the project is not ready yet for PUD approval, and recommended the item be tabled for further study.

Mr. Chuck DiMaggio of Burton Katzman, 30100 Telegraph Road, Suite 366, Bingham Farms, was present. Mr. DiMaggio agreed with Mr. Carlisle's comment that a PUD is a process, not a product, and noted that the process has resulted in meaningful improvements to the proposed development since its original submission. He cited that some improvements suggested by City staff were beyond economic feasibility of the project, and hoped that the City and Commission still believe a good product is being offered. Mr. DiMaggio stated the deed restrictions have not hamstrung the project but allowed development to be possible, citing the construction of a parking structure. Mr. DiMaggio said he does not believe that the proposed Sterling Corporate Center would set a precedent, but would encourage other developers to come before the Planning Commission with proposed PUD projects. He reviewed the recent site improvements, displayed renderings, referenced the comparable building materials, and addressed the proposed water feature. Mr. DiMaggio believes that the current office vacancy rate is not significantly detrimental to the market and noted that there are tenants wanting to take occupancy in the new development. In summary, Mr. DiMaggio stated that tabling the item for 90 days could be problematic and additional time would probably not move the project forward; therefore he asked the Commission for its consideration in approving the project.

Mr. Waller questioned the rendering display of a darkened feature under the canopy and behind the water feature.

Mr. DiMaggio detailed a paver entryway that would establish a different type of atmosphere in front of the building.

Mr. Kramer asked for examples of competitive signature buildings in Troy and specific elements of the proposed development that are above and beyond existing signature buildings.

Mr. DiMaggio replied that Columbia Center, Standard Federal Building, Troy Corporate Center and Somerset Place are examples of competitive signature buildings. He cited specific elements above and beyond comparable signature buildings are the substantial off-site improvements for the City, the proposed traffic improvements and meeting the goals and objectives of the City's Master Plan.

#### PUBLIC HEARING OPENED

No one was present to speak.

Mr. Kramer said he would like to move the project along but personally is looking for those elements that would convince him that the project is above and beyond the quality of other Class A office buildings existing in the City, citing that the Columbia Center is a very high class building constructed of brick and the Standard Federal Building constructed of marble and granite – not concrete as proposed for the subject development. Mr. Kramer said the proposed landscaping in the I-75 off-ramp area could be cited as an attribute but feels that 50 trees do not swing the needle very much.

Mr. Schultz said he views tabling the item tonight as an additional delay.

Mr. Vleck questioned if the project could be developed as an overlay district.

Mr. Miller said if an overlay district existed, it would allow for the creation of a unified development in which parking, intensity of development, storm water detention, and other features could be shared.

Mr. Wright asked for clarification as to why the proposed Sterling Corporate Center PUD does not qualify for the PUD eligibility criteria and the proposed Rochester Commons PUD does.

Mr. Carlisle stated that each PUD project should be considered uniquely. He noted that the Rochester Commons site is truly a blighted piece of property with an abandoned school and a series of substandard houses on the frontage of Big Beaver. In terms of development intensity, Mr. Carlisle believes the proposed Rochester Commons project is less intense than if the site would be developed as office for which it is master planned. Mr. Carlisle said the proposed Rochester Commons project provides a more equally and appropriate transition

between intense commercial and single family to the rear. Mr. Carlisle believes the proposed Rochester Commons project would serve as a catalyst for redevelopment of areas along Big Beaver and Rochester Roads.

Mr. Wright stated that he agrees the proposed Sterling Corporate Center site is not as blighted as the proposed Rochester Commons site, but noted the history of the Sterling Corporate Center site shows it is significantly under-utilized.

Mr. Carlisle clarified that some of the recommendations offered the petitioner are consistent with the existing Columbia Center project and were drawn upon suggestions from the Commission. He clarified that it was suggested to bury a second floor of the parking structure that would then lower the overall profile of the structure. It was further suggested to add more square footage to the office building to offset the cost of burying the second floor of the parking structure.

### **Resolution**

Moved by Kramer

Seconded by Wright

**RESOLVED**, that the Preliminary Plan for a Planned Unit Development, pursuant to Section 35.60.01, as requested by Burton Katzman, for the Sterling Corporate Center Planned Unit Development, located on the north side of Big Beaver Road and west of I-75, located in section 21, within the O-S-C Mid or High Rise Office zoning district, being 5.91 acres in size, is hereby tabled for thirty (30) days to the June 10, 2003 Regular Meeting, for the following reasons:

1. While the Planning Department, City Planning Consultant, City Management, and the Planning Commission agree that a mid-rise office building is an appropriate use at the subject location, the Planned Unit Development application does not meet the minimum Eligibility criteria of Section 35.30.00.
2. The Planned Unit Development application is incomplete as submitted.
3. The thirty (30) day period will provide the Planning Department, City Planning Consultant, City Management and the Planning Commission and the applicant an opportunity to negotiate and develop a Planned Unit Development application which is complete and which will meet the Eligibility criteria of the City of Troy Zoning Ordinance.

### **Yeas**

All present (7)

### **Absent**

Chamberlain  
Storrs

**MOTION CARRIED**

Chairman Littman announced that the Public Hearing would remain open until the June 10, 2003 Regular Meeting.



10. PROPOSED PLANNED UNIT DEVELOPMENT (PUD-3) – Proposed Sterling Corporate Center, North side of Big Beaver, West of I-75, Section 21 – O-S-C

Mr. Miller reported that there has not been any additional information submitted by the petitioner.

Mr. Carlisle summarized the considerations that led to his recommendation that the proposed project does not meet PUD requirements. Mr. Carlisle cautioned the City as well as the petitioner that a positive finding must be made that the PUD ordinance criteria are met. He stated that because of the constraints taken on by the petitioner as a result of third party negotiations (i.e., limitation on height of the building, building illumination restrictions to the north and west), he felt constrained in making recommendations. It is Mr. Carlisle's opinion that the difficulties faced by the petitioner relating to the issues of assemblage are not pertinent to the PUD criteria.

Mr. Carlisle believes the economic feasibility of the project has been influenced more by the third party agreements the petitioner entered into than any requirement imposed by the City to date. Mr. Carlisle stated that the history of the Magna property is not relevant to the PUD ordinance. He advised the Commission to be very careful about setting a precedent with respect to allowing increased density based upon the "underutilization" of neighboring property, and noted there are a multitude of properties along Big Beaver that are underutilized. Mr. Carlisle confirmed that the proposed project is of high quality, but noted any "signature" project is expected to be of high quality. He cited Somerset Mall is a high quality, "signature" project that was developed without the benefit of a PUD.

Mr. Wright believes the restrictions on the property are both third party imposed and City imposed. He said that personally he could not see a 3-story building on the site as a "signature" development and even though the proposed project may not meet PUD criteria, he would like to see the project move forward.

Mr. Vleck agreed with Mr. Wright and believes gaining back control of the site leads more credence as to why a PUD is a useful tool.

Mr. Chamberlain said approving the proposed project when it does not meet the PUD ordinance sets precedence, and the proposal should not leave the Planning Commission until all PUD requirements are met.

Mr. Storrs questioned the economic feasibility of placing residential apartments on the top floor of the proposed project.

Mr. Carlisle said he believes there is no market for residential at this particular location.

Mr. Kramer said he does not see one element of the proposed project that makes it any better than most of the other high rise office development along Big Beaver

Road, and noted that he could not at this point approve the project under the PUD ordinance.

Mr. Miller reported that staff reviewed the Big Beaver Road corridor to determine what properties had excess development potential when the City was considering an Overlay Zoning District. He reported that nearly every single piece of property had excess development potential for a variety of reasons. He noted the biggest reason is that developments cannot be maximized if they do not have a parking structure. Mr. Miller questioned if residential development had underused development capacity, could units be transferred? He cautioned the Commission with the direction of allowing transfer of development rights. Mr. Miller stated there is nothing that restricts Magna from developing their site, if the proposed PUD is approved and deed restrictions are amended.

Mr. Carlisle pointed out the distinction between "transfer of development rights" and permitting density bonuses which is allowable under the ordinance for projects possessing exemplary characteristics. He suggested the Commission look at what the existing development density of the property could be under its current zoning versus what is being proposed, and encouraged members to base their determination on the merits of the project and specific measurements under the criteria of the PUD.

Chairman Littman confirmed the item was tabled to the May 13, 2003 Regular Meeting.

11. PUBLIC HEARING - PROPOSED PLANNED UNIT DEVELOPMENT (PUD-3) – Proposed Sterling Corporate Center, North side of Big Beaver, West of I-75, Section 21– O-S-C

Mr. Savidant stated the petitioner submitted the application in December 2002 and indicated that negotiations continue with the petitioner. Mr. Savidant noted the Public Hearing has been scheduled per the petitioner's request. The Planning Department's report correlates to the report submitted by the Planning Consultant. Mr. Savidant turned over the floor to Mr. Carlisle, the City's Planning Consultant.

Mr. Carlisle stated that the applicant proposes to build a 13-story office building comprising of 300,869 gross square feet. The building would be served by an attached 5-level parking structure, and noted that one level would be below ground. Mr. Carlisle said the project is located on a 5.91-acre site. The first floor of the building would contain restaurants and a branch bank. Mr. Carlisle noted that other supportive service uses are possible and the upper floors would be devoted to office use.

Mr. Carlisle highlighted some of the changes since the last plan submission. In addition to the new below-ground level of the garage, Mr. Carlisle noted the parking structure was reduced in width to 190 feet. The northeast entrance to the garage was eliminated, resulting in a larger area of open space. Mr. Carlisle reported the office tower has been reduced in size along its east side to permit a larger truck dock and compactor area. He noted that Wilshire Road has been enlarged to include both right and left turn lanes. Mr. Carlisle said other landscape amenities have been provided, and cited Wilshire Drive and the I-75 right-of-way.

Mr. Carlisle confirmed that the critical issue is the necessity for finding by the Planning Commission that this project does constitute a planned unit development and warrants a significant increase of intensity over the O-S-C district. He noted the current zoning would accommodate approximately 177,000 to 180,000 square feet of office space. Mr. Carlisle said the uses proposed would fit within the O-S-C district. Mr. Carlisle said the primary thrust of the applicant's justification for the PUD are factors that are difficult to use as a basis for justification.

Mr. Carlisle said justification provided by the petitioner as building quality and landscaping would normally be provided in a signature building. Mr. Carlisle noted that the traffic improvements are items that are needed because of the impact of the project, not as an additional benefit to the City. Mr. Carlisle said the plan meets portions of the PUD ordinance such as quality development objectives and, to some degree, providing public improvements such as landscaping. Mr. Carlisle said the plan falls short in terms of justification for another 120,000 square feet of building area. Mr. Carlisle said that, in absence

of more specific findings by the Commission, the plan would be a very low bar for many other properties along Big Beaver that wish to simply intensify the use of the property. Mr. Carlisle said there are improvements that can be done, but at this point the plan has not met them. Mr. Carlisle said a recommendation could not be made that the plan warrants meeting the PUD ordinances.

Mr. Chuck DiMaggio of Burton Katzman, 30100 Telegraph Road, Suite 366, Bingham Farms, was present. He said he was appreciative of the Planning Consultant's remarks and being present for the evening meeting. Mr. DiMaggio introduced Peter Burton (President, Burton Katzman), Jim Butler (Professional Engineer Associates), John Barker (Hobbs & Black) and Sergio D'Amico (Sterling Bank).

Mr. DiMaggio focused the presentation on meeting the City's PUD criteria with assistance of visual aids.

Development Quality – Mr. DiMaggio said a quality project would be delivered. It would be a signature office building on a signature site. Mr. DiMaggio said that the site is probably the best office location in metropolitan Detroit and it will compete with the best buildings in Detroit for tenants. Mr. DiMaggio stated that he is working with the Planning Department to put together a materials board so a comparative analysis of the quality and detail for the proposed project can be made with other significant office buildings.

Intent to Meet Master Plan Objectives – Mr. DiMaggio stated that the proposed project is within the Master Plan's defined area. Further, Mr. DiMaggio said that a tax base analysis of three scenarios confirms a tax base generation that would optimize revenue opportunities. The proposed project incorporates other services within the building, such as two signature restaurants, a bank, and other ancillary services, that would comprise anywhere between 20,000 to 40,000 square feet. Mr. DiMaggio said the proposed project would aesthetically integrate into the existing land use pattern.

Optimizing Uses of Office Area – Mr. DiMaggio provided a history of the property's assemblage and a comparison of density for different stages of the property assemblage. He stated that the proposed density remains 77,000 square feet below what could have been developed, and noted that there is a transition to the density. Mr. DiMaggio said there is a transition of uses that make sense as opposed to what could have been developed absent the deed restrictions and absent the PUD.

Mixture of Uses – Mr. DiMaggio acknowledged that all of the proposed uses fall within the zoning classification of O-S-C, but noted the proposed uses would bring life and vitality to the site. Mr. DiMaggio said the pedestrian relationship with Big Beaver Road would be unlike any other that has been established along

that road. Restaurants as well as a fountain in the plaza orient toward Big Beaver.

Public Improvements – Mr. DiMaggio said there is a commitment to provide a gateway treatment for the I-75 interchange, and noted that there is a good indication from MDOT to its cooperation in achieving the gateway that the City envisions once it is further defined. Mr. DiMaggio stated that the proposed plan includes landscaping of Wilshire Boulevard from Big Beaver north to where the road turns and goes westerly to Crooks Road.

Alleviate Traffic Congestion – Mr. DiMaggio confirmed that a traffic study has been completed and reviewed by the City's Traffic Engineer. The Traffic Engineer has indicated agreement with the proposal to make a right-hand turn lane off of Big Beaver on to Wilshire, which results in a widening of the Michigan U-turn on Big Beaver for westbound to eastbound traffic. Mr. DiMaggio said there are a vast number of signal timing changes that have been proposed.

Promote Redevelopment in Elimination of Obsolete Uses – Mr. DiMaggio stated that the site, although surrounded by developed office building of stature, is vacant and is sometimes used for truck storage, cement batching plants, and other temporary, so-called blight uses. Mr. DiMaggio said it is time to bring the valuable, centrally located piece of property to market for a good use.

Provide a Variety of Housing Types – Mr. DiMaggio acknowledged that the proposed project does not meet this criteria.

Overcoming Obstacles in an Assemblage – Mr. DiMaggio referred to the 2.5 years of negotiation with Magna Corporation to overcome several obstacles for the assemblage of the property.

Mr. DiMaggio requested an indication from the Commission that the proposed project meets the PUD criteria, and noted their willingness to continue to work with the Planning Department and Commission on plan details.

Mr. Kramer commented that personally he feels the proposal is a good product and he would like to be provided the details and quality of the development.

Mr. Wright agreed that the proposal appears to be a good product. He said he would like to be provided more detailed items that point toward the PUD ordinance criteria. Mr. Wright noted that the proposed landscaping at I-75 and Wilshire Boulevard is an excellent improvement and gave a thumbs-up on the change in the parking deck.

Mr. Storrs noted his appreciation to the petitioner with respect to the density discussion on the Magna Corporation property. Mr. Storrs noted that same logic could be applied to other parcels in Troy that were not developed to the full

intensity allowed by the ordinance, and stated that the density analogy is out of the equation. Mr. Storrs views the proposal as nearly doubling the density on the property and said that the well-developed proposal is not adequate to justify doubling the density.

Mr. Vleck stated that tonight's presentation clarified to him that the proposal is a good signature product for the City and he would like to see the details and quality of the building materials. Mr. Vleck said the mixed uses contained within the building are definitely a valid argument with respect to the PUD criteria relating to a mixture of uses.

Mr. Waller said he likes what has been presented so far and complimented the substantial steps of progress the petitioner has taken. He recommended the petitioner present the various density numbers in a more user-friendly fashion. Mr. Waller encouraged the petitioner to continue to work with Mr. Sharp and other neighboring residents.

Ms. Pennington complimented the petitioner on an outstanding presentation. She indicated that a look at interior and exterior architectural building materials would steer her final vote. Ms. Pennington recommended that something be put on paper with respect to the City's gateway signage, and further suggested that landscaping be more focused on the exit I-75 ramp next to the property because she feels the proposed landscaping on the I-75 cloverleaf would not be visible by travelers.

Mr. DiMaggio presented a visual board showing a nighttime shot of the building wherein lights would not be visible from the north and west sides.

Chairman Littman responded to the petitioner's ambiguity on the *Mixture of Uses* criteria and stated from his recollection, the criteria was incorporated to promote creative solutions that would otherwise not be allowed in the zoning.

Mr. Schultz thanked the petitioner for his hard work. He stated based on personal feelings the project would be a go, but noted he is not convinced the proposal is applicable to the PUD ordinance. Mr. Schultz said he is not in agreement to turning off lights on a signature building and believes that the amount of lights proposed would not be in conflict with neighboring residents. Mr. Schultz further recommended that the petitioner do something to the top of garage to make it look less like a shoebox and more like an integrated part of the structure.

Mr. Vleck agreed with Ms. Pennington's comments with respect to landscaping the off-ramp area.

PUBLIC HEARING OPENED

Robert Easterly of 908 Emerson, Troy, was present in the capacities of attorney for Wilshire Muer Subdivision, Chairman of the Board for Wilshire Muer Subdivision, and as a representative for both the Washington Square Subdivision and John Sharp. Mr. Easterly gave a brief history of the extensive negotiations with Magna Corporation. He complimented the petitioner and the entire development group for its cooperation and considerations of the subdivisions' concerns. He stated that the two subdivisions and the developers have an agreement that indicates no building erected on parcel 2 shall have any illuminated exterior signage attached to either its northern or western façade. Mr. Easterly said a request has also been made that any lighting in the parking deck would be directed downward. Mr. Easterly requested the petitioner to give consideration to an existing flooding problem in the Wilshire Muer Subdivision, specifically Emerson where it meets Muerknoll in the southwest corner. Mr. Easterly specified that the petitioner has agreed to put \$25,000 worth of landscaping in various corners of the subdivision to improve the development.

Chairman Littman asked for a history of the Magna Corporation deed restrictions.

Mr. Easterly stated Magna Corporation's site plan was very involved and proposed construction of a warehouse and stamping plants. The subdivisions were very much against the proposed plan. The Planning Commission unanimously denied the proposed site plan as submitted. Mr. Easterly said that Magna Corporation then approached the subdivisions with another fairly elaborate proposal of a 3-story building on the entire parcel. Magna agreed to scale back the project and to put in permanent environmental zones, berming and landscaping. The subdivisions were in agreement and the site plan was recorded with the Register of Deeds. Mr. Easterly explained that the petitioner inherited the deed restrictions with the purchase of a portion of the Magna Corporation property. Mr. Easterly confirmed that currently there is limited expansion capability on the part of Magna Corporation.

Mr. Storrs asked what Mr. Easterly thought would be the public benefits to Troy citizens in light of the fact that the proposed plan nearly doubles the density.

Mr. Easterly said the subdivision residents know development of the vacant property is inevitable. Mr. Easterly confirmed that there was a lot of discussion with the petitioner with respect to the building's height, but noted the proposed plan appears to be a quality project. He noted the subdivisions are comfortable with the proposed plan, otherwise they would not have signed off on the deed restrictions.

Howard Littleton of 901 Wilshire Drive #165, Troy, was present to represent American Realty Advisors. American Realty Advisors owns two office properties

at 901 Tower Drive and 901 Wilshire. Mr. Littleton read a letter addressed to Mayor Pryor and signed by Glenn H. Girsberger, Senior Asset Manager of American Realty Advisors, and submitted the letter for filing. The letter is in opposition to the proposed project citing that the new project, in essence, would cannibalize the market and would be a serious detriment to the current landlords within the City. Mr. Littleton clarified the reference to 14.2 million square feet of available space is with respect to the entire market, not just "Class A" office space.

Mr. Vleck questioned if there has been a study on current lease rates and the impact the proposed development would have on other office development.

Mr. Littleton responded that he is certain the petitioner would attempt to attract tenants from outside of the market, and noted the current absorption rate would be affected.

Peter Burton of Burton Katzman, 30100 Telegraph Road, Suite 366, Bingham Farms, was present. Mr. Burton thanked the Commission for the opportunity to present the plan. He said that they have a sense of what the Commission would like and would continue to work with the Planning Department, the administration and the Planning Consultant to bring back an improved product for the next review. Mr. Burton said working together collectively would result ultimately in a project of which everyone would be proud and one that would be an asset to the City of Troy.

Chairman Littman opted to leave the Public Hearing open at this time.



**Resolution**

Moved by Storrs

**RESOLVED**, that the Preliminary Plan for a Planned Unit Development, pursuant to Section 35.60.01, as requested by Burton Katzman, for the Sterling Corporate Center Planned Unit Development, located on the north side of Big Beaver Road and west of I-75, located in section 21, within the O-S-C High Rise Office zoning district, being 5.91 acres in size, is hereby recommended for denial to City Council, for the following reasons:

Mr. Storrs stated the premier development offered by the petitioner is a magnificent development. However, Mr. Storrs believes it is a disservice to the citizens of Troy and to the developer to continue the discussions when the proposed plan nearly doubles the density allowed on the property. Mr. Storrs said the proposed plan offers public benefits but in his mind, the public benefits do not come near to offsetting the amount of density. Mr. Storrs said that there probably is no one present who believes that 16 Mile Road is an underutilized avenue.

**MOTION FAILED** for a lack of a second.

**Resolution**

Moved by Waller

Seconded by Schultz

**RESOLVED**, that the Preliminary Plan for a Planned Unit Development, pursuant to Section 35.60.01, as requested by Burton Katzman, for the Sterling Corporate Center Planned Unit Development, located on the north side of Big Beaver Road and west of I-75, located in section 21, within the O-S-C High Rise Office zoning district, being 5.91 acres in size, is hereby tabled to the May 13, 2003 Regular Meeting.

**Yeas**

Kramer  
Littman  
Pennington  
Schultz  
Vleck  
Waller  
Wright

**Nays**

Storrs

**Absent**

Chamberlain

**MOTION CARRIED**

Mr. Storrs voted no for the reasons referenced in the previous failed motion.

Mr. Carlisle asked for a general direction in which to proceed with the review process.

Chairman Littman stated the item would be placed on the next study meeting for the opportunity to discuss the project and make a collective determination if the project meets PUD criteria.

A brief discussion followed with respect to suggestions to the petitioner that would assist the Commission with its review.

The Public Hearing remained open.

9. PROPOSED PLANNED UNIT DEVELOPMENT (PUD-3) – Proposed Sterling Corporate Center, North side of Big Beaver, West of I-75, Section 21 – O-S-C

Mr. Miller confirmed that the Commission is in receipt of the latest rendition of the proposed PUD 3 project, dated March 21. He stated that the plan has not yet been reviewed by the Planning Department or the Planning Consultant, but noted that reports will be completed and ready for the April 8<sup>th</sup> Public Hearing. Mr. Miller reported that the petitioner has submitted written narrative with respect to the value analysis of the proposal, the recent revisions made, and a trip generation report.

Mr. Chamberlain requested that the Planning Director prepare a comparison report with respect to the building materials used in the Columbia Center and the building materials proposed for the PUD project with relation to quality and durability, and that the comparison report be provided to the Commission for the April 8<sup>th</sup> Public Hearing.

Mr. Chuck DiMaggio of Burton Katzman, 30100 Telegraph Road, Suite 366, Bingham Farms, was present and gave a five-minute presentation. Mr. DiMaggio highlighted the revisions incorporated in the March 21<sup>st</sup> rendition, and specifically noted the changes made to the parking deck. He confirmed that narrative has been submitted with respect to PUD compliance to both the Zoning Ordinances and City management. Mr. DiMaggio provided several design boards that showed work products proposed to be incorporated in the development.

Mr. Vleck asked what the petitioner's expectation is with respect to the approval process and the ensuing time frame involved.

Mr. DiMaggio responded that he expects a recommendation once the Commission is comfortable with the criteria being met and comfortable with the plan itself.

Mr. Miller confirmed that a public informational meeting was held prior to last week's meeting, and noted that only two people from the public sector were present.

Chairman Littman stated that it would be helpful if the petitioner brought in building materials for the Public Hearing.

Mr. Vleck commented that information be provided with respect to the wearability and life expectancy of the proposed building materials.

Ms. Lancaster said it would be helpful if the petitioner provided more detail on the proposed water feature.

Mr. Chamberlain reminded the petitioner that the unique aspect of a PUD project is knowing exactly what is being proposed, and noted that the petitioner cannot make a proposal that a particular feature may or may not be incorporated in the development.

Mr. DiMaggio explained that there are some features and designs of which prospective tenants have not yet made a definitive decision, and asked how this should be handled.

Ms. Lancaster confirmed that a PUD project is presented as a final plan and anything proposed on the plan must be constructed. Ms. Lancaster suggested that items that remain uncertain at the time of presentation be omitted from the plan, and noted that the petitioner can always come back at a later date with revisions.

Mr. Vleck questioned the deed restrictions on the proposed site.

Mr. DiMaggio explained that deed restrictions were on the total 32 acres owned by Magna Corporation, and noted the restrictions were removed from the 3.5 acres purchased from Magna for the proposed project.

Mr. Vleck questioned participation of MDOT with respect to the maintenance of the proposed landscaping throughout the gateway area.

Ms. Lancaster said that the petitioner would be required to submit a letter from MDOT specifying its agreement and the maintenance issue would be negotiated.

Mr. Smith stated that MDOT would most certainly form a partnership with the City with respect to landscaping the gateway area. He noted that management is working on a common theme for landscaping and signage and would like to see some flexibility within the PUD approval process to accommodate this.

A short discussion followed on this topic.

Mr. Storrs questioned the deed restrictions with respect to the overall density on the abutting parcels and the City's legal responsibility.

Mr. Smith explained that the City encouraged Magna Corporation to create the conservation easement, and suggested that the entire site be viewed as if it were an overlay district and the density be viewed in perspective to the overall 32 acres.

The Planning Department was directed to prepare a report on the relationship between the potential build-out of Magna Corporation and the deed restrictions placed on the site.

The Commission also asked the petitioner to provide a detailed listing of documents and dates, and a table of contents.

Mr. Vleck commented favorably on the significant amount of open space that became available by reducing the parking garage.

7. PROPOSED PLANNED UNIT DEVELOPMENT (PUD-3) – Proposed Sterling Corporate Center, North side of Big Beaver, West of I-75, Section 21 – O-S-C

Mr. Miller stated that the proposed Sterling Corporate Center PUD rendition in front of the Commissioners tonight, dated March 21, 2003, has been distributed to the appropriate City departments and the Planning Consultant for review. At the request of the petitioner and after discussion with City management, a Public Hearing has been scheduled for the April 8, 2003 Regular Meeting. Mr. Miller announced that a public informational meeting was held tonight at 6:00 p.m. and noted attendance was very low.

Mr. Miller reviewed the concerns cited by the Planning Consultant related to the previously submitted rendition, and further noted the Planning Department and Planning Consultant would have their review of the March 21<sup>st</sup> rendition and report ready for the April 8<sup>th</sup> Public Hearing.

Ms. Lancaster confirmed that a Public Hearing can be requested by a petitioner if the petitioner feels he/she is ready to submit the plan before the Commission, and noted that the Planning Commission would not be required to vote on the project if it was the consensus that enough information was not available to make an informed decision.

Mr. Storrs and Mr. Chamberlain agreed there was not enough information available tonight to hold a discussion.

Chairman Littman asked the petitioner to address why he believes the proposed development qualifies as a PUD project.

Mr. Chuck DiMaggio of Burton Katzman, 30100 Telegraph Road, Suite 366, Bingham Farms, was present. Mr. DiMaggio stated that he and his firm are not trying to be adversarial with the City with respect to the proposed development. Mr. DiMaggio stated that since its original submission date of December 4, 2002, they have met with the Planning Consultant and City staff to address concerns, and the third rendition presented to the Commission tonight incorporates those concerns. Mr. DiMaggio said the PUD ordinance criteria as well as the administrative criteria specified by the City Manager have been addressed.

Mr. DiMaggio specifically addressed how the proposed project meets the PUD criteria. He stated the proposed project is of a high quality in terms of enhanced landscaping, integration of the parking deck and building, materials, design and developer, as well as perspective tenants. He noted the very distinctive design would be a trademark at the proposed location. Mr. DiMaggio said the proposed project is a mix of office, restaurant and retail uses, and noted the relationship of the two restaurants that open up to outdoor patios that, in turn, open up to an outdoor plaza. Mr. DiMaggio stated that public improvements are being addressed by landscaping the intersection of I-75 and Big Beaver and along Wilshire Boulevard,

as well as incorporating a gateway feature yet to be established. Mr. DiMaggio said it is proposed to alleviate traffic congestion by providing a right-hand turn lane from westbound Big Beaver onto Wilshire and widening the turnaround from westbound Big Beaver to eastbound Big Beaver. Mr. DiMaggio stated that the proposed project would promote the Master Plan goal by providing major office development and a pedestrian relationship between the development and Big Beaver Road is provided.

Mr. Chamberlain requested that the proposed gateway feature be coordinated with both the Gateway Committee and Parks and Recreation. Mr. Chamberlain further stated that the PUD process is a lengthy one and he cannot see how the proposed project could be ready for a Public Hearing in two weeks, especially in light of the fact that the Commission has not had the opportunity to review the most recent rendition.

Mr. Miller asked for direction from the Commission whether it wished to have the newest rendition of the proposed PUD as a part of their April 1, 2003 Special/Study Meeting package, and if so, a request would have to be made to the petitioner to provide the plans in sufficient time for delivery. Mr. Miller again noted that review and final report from the Planning Department and Planning Consultant would not be available until the April 8, 2003 Regular Meeting.

A brief discussion followed with respect to receiving plans for review and discussion at the next meeting.

Ms. Lancaster reminded the Commission that the project is in the negotiation stage and the developer is showing his desire to work with the City. She said it could be very helpful for the Commission to review the latest rendition and discuss it at the next meeting prior to making its recommendation to Council at the Public Hearing.

Chairman Littman requested that the proposed Sterling Corporate Center PUD be placed on the April 1, 2003 Special/Study Meeting and requested the petitioner to provide the Commission with copies of its latest rendition for delivery in their meeting packets.

Mr. DiMaggio said they must demonstrate to prospective occupants that progress is being made with the PUD project; and whether approval is given at the Public Hearing or not, Mr. DiMaggio wishes to demonstrate goodwill in working with the City and bringing the project forward. He appreciated the Assistant City Attorney's words and confirmed they want to work with and receive feedback from City staff and the Commission.

3. PROPOSED PLANNED UNIT DEVELOPMENT (PUD-3) – Proposed Sterling Corporate Center, North side of Big Beaver, West of I-75, Section 21 – O-S-C

Discussion of Walk-about

Mr. Waller said it was very interesting to view the property from the offices of Doeren Mayhew and noted his appreciation to the host. He stated the property has an interesting flare shape to it that is clearly not rectangular; the road heading to Magna has somewhat of a tilt to the northeast and the down ramp to I-75 has a curl that affects the dimension of the property. Mr. Waller said the applicant is making significant progress on a project that appears to be a favorable one for the City, especially with the potential to add landscaping for the barren curl of I-75 on the northwest quadrant. Mr. Waller hopes that the progress continues and questioned the status of the project at this time.

Mr. Savidant reported that the drawing before the Commission is the latest rendition of the proposed Sterling Corporate Center PUD. Mr. Savidant said that the Planning Department is awaiting comments from various City departments to which the plan has been distributed for review. Mr. Savidant reported that he and Mr. Miller have met with Burton/Katzman representatives and their engineers to discuss some issues with the layout, noting that a lot of the issues have been addressed in the rendition before the Commission tonight. Mr. Savidant stated that discussion on the project has been ongoing with the petitioner and various representatives.

Chairman Littman commented that the plan shows no access to Crooks Road from the proposed development and indicated that he hopes a traffic study will address having access onto and off of Crooks.

Mr. Kramer asked to be enlightened of a conversation during the site visit that he was unable to hear. It related to the elevations and sight lines relative to the parking structure and I-75. Additionally, Mr. Kramer asked for similar comments with respect to the sight lines from the closest residential district to the northwest.

Mr. Savidant, in response to the first part of Mr. Kramer's questions, stated that from I-75 going south, the elevation is approximately 709 feet and the elevation from the top of the parking structure is 736.5 feet. Mr. Savidant said the top of the structure is proposed to be 27.5 feet higher than I-75 (from pavement to the top of the roof).

Mr. DiMaggio, in response to the second part of Mr. Kramer's questions, said that there are no topographical drawings going that far northwest and at this time, he is unable to answer the question. Mr. DiMaggio said he would provide this information to the Commission at a later date.

Mr. Waller applauded the stair-step parking structure because it breaks up the massiveness of the parking structure.

Mr. Schultz questioned if the road surface is the same for both northbound and southbound I-75.

Mr. DiMaggio noted that the deck parking would not be visible from either the northbound or southbound elevation.

Mr. Vleck asked if any revised documentation has been received from the applicant with consideration to how the proposed project qualifies for a PUD development.

Mr. Savidant responded that the Planning Department has received revised documentation based on the ongoing negotiations.

Ms. Lancaster reminded the Commission to pass a resolution to excuse the Commissioners who were not present at the 6:30 p.m. site visit, and further requested that the record reflect that Mayor Matt Pryor, Councilwoman Robin Beltramini, and Frank Borski (host from Doeren Mayhew) were present at the site visit. Ms. Lancaster suggested that a letter be forwarded on behalf of the Planning Commission to Mr. Borski for his hospitality in offering his office as a meeting place for the site visit.

### **Resolution**

Moved by Waller

Seconded by Schultz

**RESOLVED**, that Mr. Chamberlain, Ms. Pennington and Mr. Wright be excused from the 6:30 p.m. site visit meeting.

#### Yeas

All present (6)

#### Absent

Chamberlain  
Pennington  
Wright

### **MOTION CARRIED**

Mr. DiMaggio reported that the traffic study has been submitted to the City, and noted that the traffic pattern does include Crooks and Wilshire.



3. PROPOSED PLANNED UNIT DEVELOPMENT (PUD-3) – Proposed Sterling Corporate Center, North side of Big Beaver, West of I-75, Section 21 – O-S-C

Discussion of Walk-about     *(Walk-about was cancelled due to inclement weather)*

Mr. Miller reported that the Planning Consultant, Dick Carlisle, has initiated the review for the proposed PUD. Mr. Miller referred to the Burton-Katzman letter dated January 21, 2003 distributed to the Commission prior to the beginning of the meeting, and he apologized that the letter was not inclusive with the Sterling Corporate Center booklet that they received in their packets. Mr. Miller noted the Burton-Katzman letter addresses some of the outstanding issues discussed with the Planning Commission, City staff and the Planning Consultant; i.e., gateway treatment, water feature, landscaping, drive-thru banking and architecture. He noted that the Sterling Corporate Center booklet contained a composite aerial photograph, a cross section showing the elevation of I-75 and the parking deck, additional elevations and a lighting plan.

Mr. Miller said that the Planning Department is waiting to receive the report from the Planning Consultant before further review. He announced that Burton-Katzman representative, Charles DiMaggio, is present and would like to present the various changes submitted to the Planning Department.

Chairman Littman stated the reason the Sterling Corporate Center item is on tonight's agenda was to discuss the walk-about. Since the walk-about was cancelled, there is no reason to make a presentation until the Planning Department and Planning Consultant are done with their reviews.

Mr. Charles DiMaggio, Vice President Project Management of Burton-Katzman Development Company, expressed appreciation to the Commission for their intent to do the walk-about. Mr. DiMaggio introduced Randy Book, broker for Cushman and Wakefield; Peter Burton, President and owner of Burton-Katzman; John Barker, project architect with Hobbs & Black, Jim Butler, project engineer with Professional Engineering Associates; Seth Meltzer of Sterling Bank; and Lori Swanson of Tetra Tech.

4. PROPOSED PLANNED UNIT DEVELOPMENT (PUD-3) – Proposed Sterling Corporate Center, North side of Big Beaver, West of I-75, Section 21 – O-S-C

Mr. Miller commented that the Sterling Corporate Center group has made a presentation to City management regarding the PUD proposal. This evening will include an introduction to the proposal.

Mr. Charles DiMaggio, Vice President of Project Management for Burton Katzman Development Company, 30100 Telegraph Road, Suite 366, Bingham Farms, was present. Mr. DiMaggio noted that also present were the architects, John Barker and James Sharba of Hobbs & Black; engineer Jim Butler of PEA Associates; and traffic consultant Lori Swanson of Tetra Tech. Mr. DiMaggio provided a history of the property and confirmed that Sterling Bank is the owner of all of the acreage. Mr. Dimaggio stated that a building of much higher quality is allowed under the PUD ordinance, citing quality materials and superb landscaping.

John Barker, architect for the project, gave a short presentation in relation to the display boards, noting that the architectural firm is delighted to be a part of this endeavor. Mr. Barker stated the site is on the northwest corner of Big Beaver and I-75 and contains 5.9 acres. He said the developer's intention is to create a Class A office building of important magnitude to justify the corner location. Mr. Barker explained that the development proposes a 300,000 square foot, 13-story office building with the opportunity to host a variety of commercial businesses on its first floor, inclusive of Sterling Savings Bank and a potential banquet facility on the 2<sup>nd</sup> floor. Mr. Barker noted that the front entrance would be designed to provide a distinctive and notable signature to the building. A parking deck with 1,129 spaces is proposed to service the building and will emulate the character of the office building. It was noted the proposed number of parking spaces is short of the City's requirement, but the developer will present an analysis as to reasoning for a reduction in spaces.

Discussion followed. The Commission provided the developer with several comments and suggestions.

It was suggested to present the Commission with clear and specific reasons why this development is justifiable under the PUD ordinance. Further, it was suggested that the developer meet with the Planning Department to become familiar with the Commission's desire to create a gateway entrance to the City of Troy and attempt to integrate this concept into the development. Concerns were expressed with the density of the development, the parking deck in terms of size and creativity for other uses and amenities, and snow removal and water drainage from the roof. Further concerns were expressed with the elevation view from eastbound Big Beaver travelers.

Mr. Miller suggested that a close look be taken at the proposed building material to assure its quality will uphold in the future. Also Mr. Miller said time should be

dedicated to the traffic study and suggested that Lori Swanson and John Abraham meet to this respect.

Chairman Chamberlain reminded the Commission that a site visit for this project has been scheduled prior to the next Special/Study Meeting, January 28, at 6:30 p.m.

November 18, 2003

TO: Honorable Mayor and City Council

FROM: John Szerlag, City Manager  
Gary A. Shripka, Assistant City Manager/Services  
Mark Stimac, Building and Zoning Director  
Mark F. Miller, Planning Director

SUBJECT: PUBLIC HEARING FOR ZONING ORDINANCE TEXT AMENDMENT  
(ZOTA-180) – Articles 40.57.06, 43.77.00, & 43.80.00 Height Limits for  
Amateur Radio Antennas

### **RECOMMENDATION**

On August 5, 2002, City Council adopted the following resolution, “Resolved, that City Council direct the Planning Commission to revisit the current ordinance to reconsider a height more in compliance with federal standards for amateur radio transmission devices.” The City Attorney’s Office provided the Planning Commission and City Management an opinion that stated the current zoning ordinance provisions related to amateur radio antenna, including variance procedures, are compliant with federal law (commonly known as PRB-1). However, the Planning Commission prepared a zoning ordinance text amendment to allow minor height increase, limits residential parcels to one ground mounted antenna and expands the standards for amateur radio antenna variances by the Board of Zoning Appeals.

On June 10, 2003, the Planning Commission conducted a public hearing and recommended approval of a zoning ordinance text amendment. City Management requested that the Board of Zoning Appeals review the proposed text amendment. At their September 17, 2003 meeting, the Board of Zoning Appeals discussed the Planning Commission’s proposed amendment; however, a resolution was not adopted.

City Management concurs with the Planning Commission’s recommendation, with a minor clarification. Within Section 40.57.06, City Management is of the opinion that there should be a clarification between maximum building height and the tallest point of a structure. City Management believes that the revision will meet the intent of the Planning Commission. Also, City Management reformatted the BZA variance standards provision, to be consistent with the existing Zoning Ordinance text.

### **SUMMARY OF TEXT AMENDMENT**

- Allow pole and mast antennas to be of equal height of structure.
- Provide standards for Board of Appeals variances.

- Limit to one ground mounted antenna.
- Variances limited to 5 years initially.
- Board of Zoning Appeals may use the expertise of a radio engineer or amateur radio expert.
- Fall zone of tower and antenna shall be within subject property.

## **BACKGROUND**

The Planning Commission created a committee that included Dennis Kramer, Mark Vleck and Wayne Wright. In addition, Mark Miller, Planning Director, Susan Lancaster, Assistant City Attorney, and Brent Savidant, Principal Planner, provided professional staff support. Because of the high level of interest and involvement of Phil Ode and Murray Scott, both licensed amateur radio operators, they were invited to all of the committee meetings. A volunteer radio communication expert also provided information to the committee. This committee was unable to produce a consensus, and provided three different opinions or directions. These opinions included no revisions necessary, permitted height of approximately 60 feet, and what is ultimately the Planning Commission proposed text amendment.

## **ATTACHMENTS**

1. City Council Resolution
2. Drawing
3. ZOTA 180 Planning Commission Version
4. ZOTA 180 City Management Version
5. Planning Commission Minutes
6. Board of Zoning Appeals Minutes
7. Photographs of Amateur Radio Towers and Antennas

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**G-17 Letter Received from Philip Ode and Response from Mark Stimac – Re: City of Troy's Ordinance Governing Antenna Structures for Amateur Radio Stations**

Resolution #2002-08-457

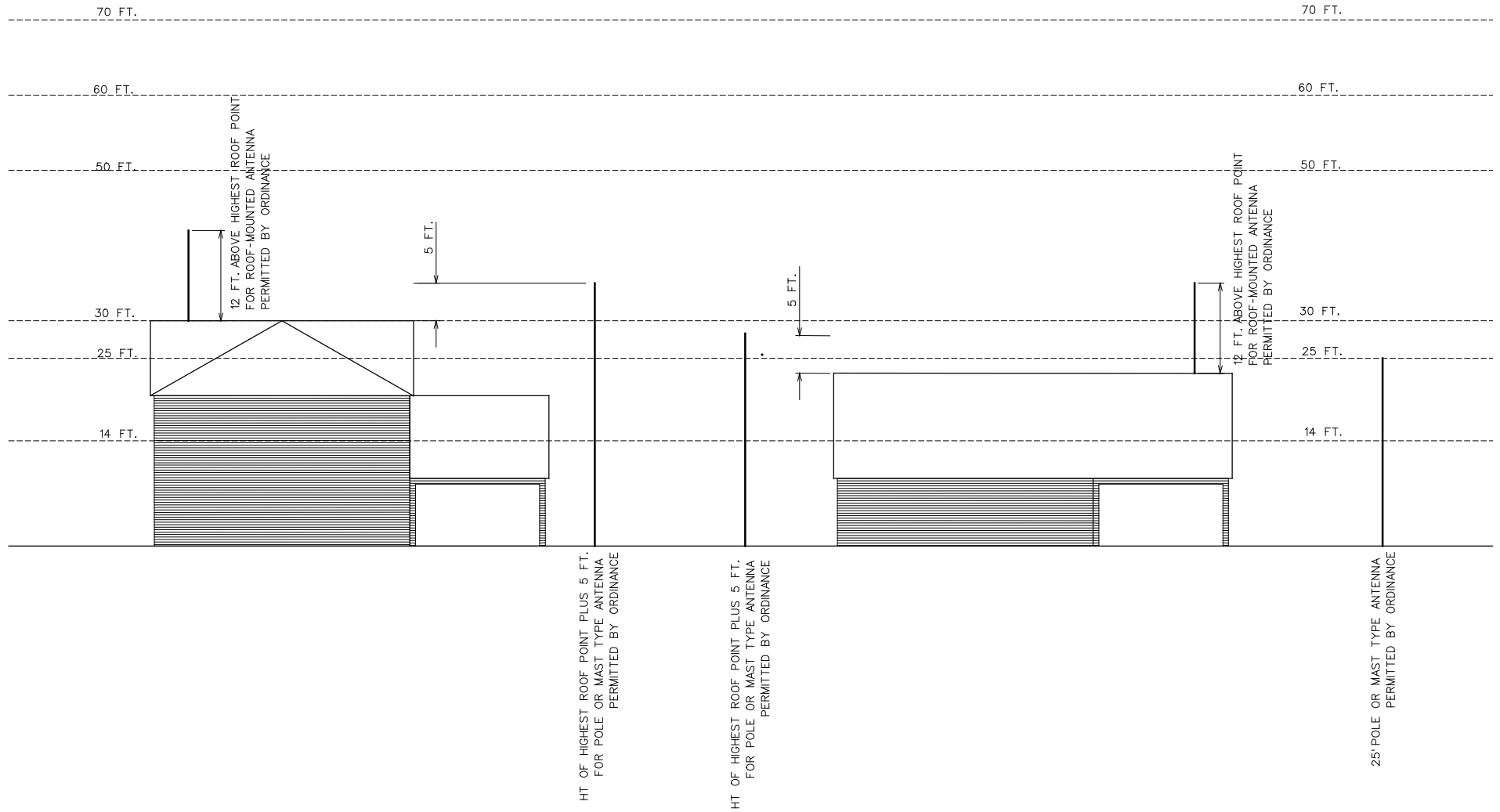
Moved by Pryor

Seconded by Howrylak

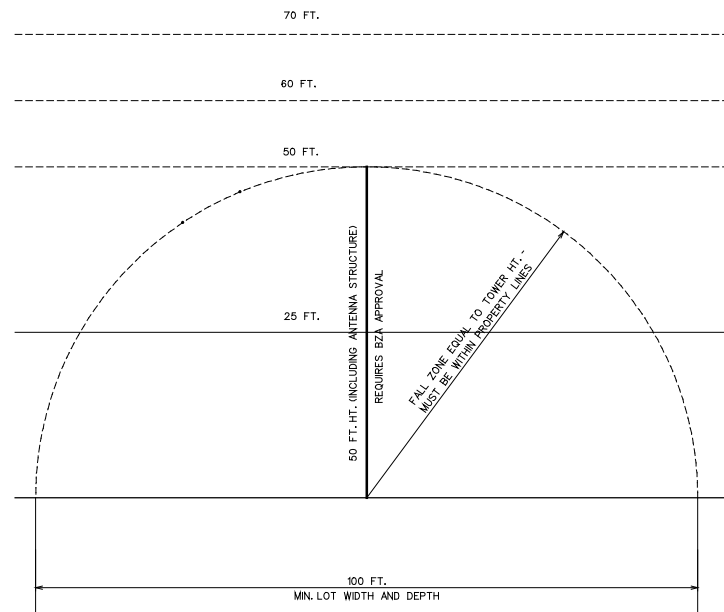
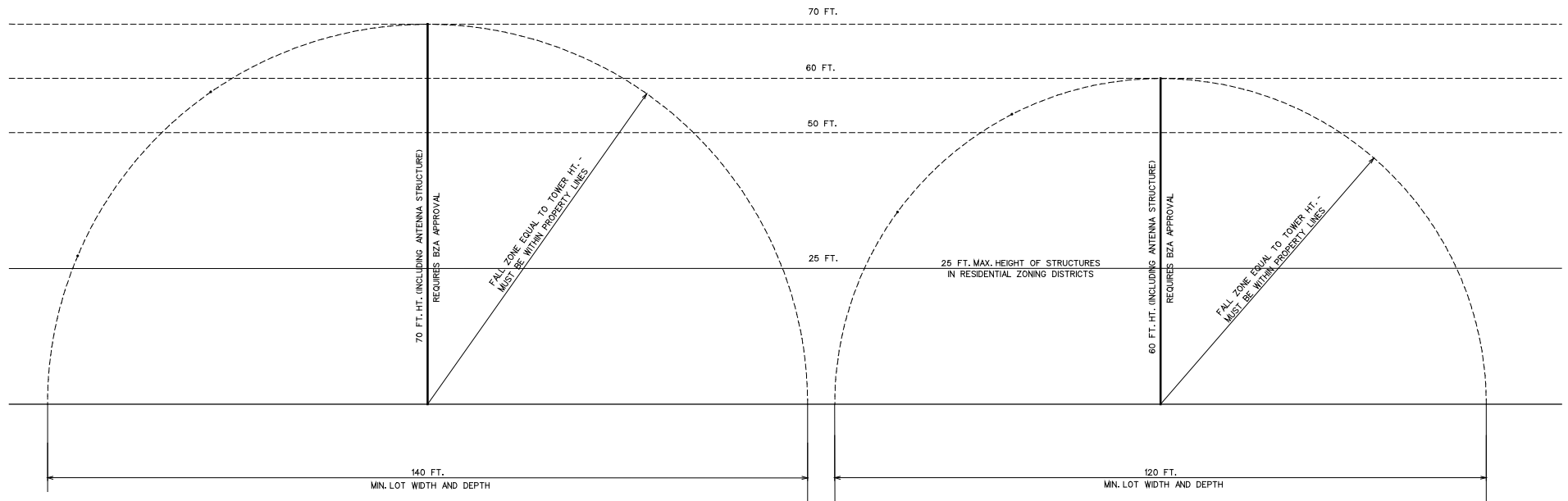
RESOLVED, That City Council direct the Planning Commission to revisit the current ordinance to reconsider a height more in compliance with federal standards for amateur radio transmission devices.

Yes: All-7

# ANTENNAS PERMITTED BY ORDINANCE



# BZA APPROVAL REQUIRED FOR ANTENNAS EXCEEDING 25 FT. OR HIGHEST ROOF POINT OF STRUCTURE PLUS 5 FT. (WHICHEVER IS TALLER)





# PROPOSED ZONING ORDINANCE TEXT AMENDMENT

## (ZOTA 180)

### Height Limits for Amateur Radio Antennas – Planning Commission Version

Amend the indicated portions of the General Provisions – Nonconformance - Accessory Buildings and Structures and the Board of Zoning Appeals texts in the following manner:

*(Bold text denotes additions and strikethroughs denote deletions)*

40.50.00      NONCONFORMANCE:

40.55.00      ACCESSORY BUILDINGS AND STRUCTURES

40.57.06      No detached accessory building or structure, in any Residential, C-F, B-1, and P-1 District shall exceed one (1) story or fourteen (14) feet in height. Pole, mast type antennas may, however, be permitted to be constructed to a height equal to the permitted maximum height of structures in these Districts, or to the height of the existing principal structure plus five (5) feet, whichever is greater. Pole, mast, whip, or panel type antennas which are roof-mounted or attached to a building shall not extend more than twelve (12) feet above the highest point of a roof. Applications for amateur radio antennas that are proposed to be higher than permitted herein shall be reviewed and approved/disapproved by the Board of Zoning Appeals (see Section 43.80.00). Not more than one ground-mounted antenna structure shall be permitted on a residential parcel. Satellite dish antennas in Residential Districts, which extend more than fourteen (14) feet in height or fourteen (14) feet above grade, shall not exceed twenty four (24) inches in diameter. Satellite dish antennas shall be placed so that rotation can occur without encroachment into the required six (6) foot setback as provided in Section 40.57.05. (Rev. 04-23-01)

(Rev. 5-22-95)

43.00.00      ARTICLE XLIII BOARD OF ZONING APPEALS

43.77.00      AMATEUR RADIO ANTENNA VARIANCES

When considering such requests to modify the height limits of antennas as set forth in Section 40.57.06 of this chapter as they apply to federally licensed amateur radio facilities, the Board may not grant a variance unless it determines the variance is necessary to ensure effective amateur radio communication. Such determination shall be made in accordance with the following:

A.      A determination that the variance is necessary to ensure effective amateur radio communication may only be made if the Board finds:

1. That the strict application of the standards contained within Section 40.57.06 of this chapter would effectively preclude amateur radio communications; and
2. That the resultant amateur radio antenna height reasonably accommodates such communications and represents the minimum practical regulation necessary to protect the health, safety and welfare of the public.

The Board may grant such modifications for any initial period not to exceed five (5) years, with successive modifications for a similar maximum period.

- B. A petitioner for an amateur radio antenna variance shall present a current copy of his/her amateur radio license at the time of application.
- C. At the hearing, the petitioner must present evidence that the need to communicate requires a higher antenna. Such evidence shall include log book entries and other such evidence which document the petitioner's inability to communicate.
- D. The Board of Zoning Appeals may enlist the service of a radio engineer or amateur radio expert to assist in the review of the application and participate in discussion at the Board of Zoning Appeals meeting.
- E. The Board of Zoning Appeals may grant a variance for a height less than the petitioner's request if:
  1. The petitioner fails to provide evidence the height suggested by the Board of Zoning Appeals would not be effective for amateur radio communication, or
  2. The Board of Zoning Appeals finds the evidence presented demonstrates a lesser height is adequate for effective communications.
- F. The Board of Zoning Appeals may place conditions on a height variance, such as but not limited to screening, hours of operation, and location.
- G. The height of the tower, including antenna structure, shall determine the radius of the fall zone within the petitioner's property. The fall zone shall be located entirely within the property lines of the petitioner.
- H. Tower and antenna installation/engineering shall be reviewed and approved by the City of Troy Building Department to ensure that the tower will not be a hazard to the petitioner or abutting properties. Construction documents for the antenna structure, prepared by a registered design professional licensed to do work in the State of Michigan, shall be submitted showing compliance with the loading

requirements of the Michigan Building Code. If the petitioner fails to obtain the approvals required by this subsection, any height variance granted by the Board of Zoning Appeals, after notice and hearing, may be terminated.

43.80.00 MISCELLANEOUS: The Board has the power to:

- A. Consider proposals for accessory buildings and structures, as provided for in Sections 40.57.07 of this Chapter.
- B. ~~The Board of Zoning Appeals may~~ Modify the height limits of antennas as set forth in Section 40.57.06 of this chapter as they apply to federally licensed amateur radio facilities (see Section 43.77.00).~~—When considering such requests the Board shall be required to determine:~~
  - 1. ~~That the strict application of the standards contained within Section 40.57.06 of this chapter would effectively preclude amateur radio communications; and~~
  - 2. ~~That the resultant amateur radio antenna height represents the minimum practical regulation necessary to protect the health, safety and welfare of the public.~~

~~The Board may grant such modifications for any initial period not to exceed five (5) years, with successive modifications for a similar maximum period.~~
- C. Permit temporary buildings for permitted uses for periods not to exceed 2 years, subject to renewal.

(Rev. 5-4-98)

# PROPOSED ZONING ORDINANCE TEXT AMENDMENT

## (ZOTA 180)

### Height Limits for Amateur Radio Antennas – City Management Version

Amend the indicated portions of the General Provisions – Nonconformance - Accessory Buildings and Structures and the Board of Zoning Appeals texts in the following manner:

*(Bold text denotes additions and strikethroughs denote deletions)*

40.50.00      NONCONFORMANCE:

40.55.00      ACCESSORY BUILDINGS AND STRUCTURES

40.57.06      No detached accessory building or structure, in any Residential, C-F, B-1, and P-1 District shall exceed one (1) story or fourteen (14) feet in height. Pole, mast type antennas may, however, be permitted to be constructed to a height equal to the permitted maximum height of structures in these Districts, or to the height of the tallest point of the existing principal structure plus five (5) feet, whichever is greater. Pole, mast, whip, or panel type antennas which are roof-mounted or attached to a building shall not extend more than twelve (12) feet above the highest point of a roof. Applications for amateur radio antennas that are proposed to be higher than permitted herein shall be reviewed and approved/disapproved by the Board of Zoning Appeals (see Section 43.80.00). Not more than one ground-mounted antenna structure shall be permitted on a residential parcel. Satellite dish antennas in Residential Districts, which extend more than fourteen (14) feet in height or fourteen (14) feet above grade, shall not exceed twenty four (24) inches in diameter. Satellite dish antennas shall be placed so that rotation can occur without encroachment into the required six (6) foot setback as provided in Section 40.57.05. (Rev. 04-23-01)

(Rev. 5-22-95)

43.00.00      ARTICLE XLIII BOARD OF ZONING APPEALS

43.80.00      MISCELLANEOUS: The Board has the power to:

- A. Consider proposals for accessory buildings and structures, as provided for in Sections 40.57.07 of this Chapter.
- B. The Board of Zoning Appeals may modify the height limits of antennas as set forth in Section 40.57.06 of this chapter as they apply to federally licensed amateur radio facilities. When considering such requests the Board ~~shall be required to determine~~ may not grant a variance unless it determines the variance is necessary to ensure effective amateur radio communication. Such determination shall be made in accordance with the following:

1. That the strict application of the standards contained within Section 40.57.06 of this chapter would effectively preclude amateur radio communications; and
2. That the resultant amateur radio antenna height represents the minimum practical regulation necessary to protect the health, safety and welfare of the public.

The Board may grant such modifications for any initial period not to exceed five (5) years, with successive modifications for a similar maximum period.

C. In addition to the requirements of (B) above, when considering modifications to height limits of antennas as set forth in Section 40.57.06 of this chapter, the BZA shall apply the following standards:

1. A petitioner for an amateur radio antenna variance shall present a current copy of his/her amateur radio license at the time of application.
2. At the hearing, the petitioner must present evidence that the need to communicate requires a higher antenna. Such evidence shall include log book entries and other such evidence which document the petitioner's inability to communicate.
3. The Board of Zoning Appeals may enlist the service of a radio engineer or amateur radio expert to assist in the review of the application and participate in discussion at the Board of Zoning Appeals meeting.
4. The Board of Zoning Appeals may grant a variance for a height less than the petitioner's request if:
  - A. The petitioner fails to provide evidence the height suggested by the Board of Zoning Appeals would not be effective for amateur radio communication, or
  - B. The Board of Zoning Appeals finds the evidence presented demonstrates a lesser height is adequate for effective communications.
5. The Board of Zoning Appeals may place conditions on a height variance, such as but not limited to screening, hours of operation, and location.
6. The height of the tower, including antenna structure, shall determine the radius of the fall zone within the petitioner's property. The fall zone shall be located entirely within the property lines of the petitioner.

7. Tower and antenna installation/engineering shall be reviewed and approved by the City of Troy Building Department to ensure that the tower will not be a hazard to the petitioner or abutting properties. Construction documents for the antenna structure, prepared by a registered design professional licensed to do work in the State of Michigan, shall be submitted showing compliance with the loading requirements of the Michigan Building Code. If the petitioner fails to obtain the approvals required by this subsection, any height variance granted by the Board of Zoning Appeals, after notice and hearing, may be terminated.

C. Permit temporary buildings for permitted uses for periods not to exceed 2 years, subject to renewal.

(Rev. 5-4-98)

14. PUBLIC HEARING – ZONING ORDINANCE TEXT AMENDMENT (ZOTA-180) – Articles 40.57.06, 43.77.00 and 43.80.00 Height Limits for Amateur Radio Antennas

Mr. Savidant presented a summary of the proposed zoning ordinance text amendment.

Mr. Waller suggested that Section 43.77.00 H be amended to include that the Building Department shall create a checklist of criteria appropriate and applicable to the requirement. He also suggested the text be revised to designate that the construction documents for the antenna structure be prepared by a registered engineer or the manufacturer, and to strike the words “design professional licensed to do work in the State of Michigan”.

PUBLIC HEARING OPENED

Phil Ode of 4508 Whisper Way, Troy, was present. Mr. Ode invited everyone to Field Day on June 27 and 28 at Mt. Holly. Mr. Ode acknowledged that the Commission and staff have worked diligently, earnestly and honestly on the amateur radio antenna heights matter. He believes the Commission’s recommendation on the matter is in violation of the FCC Rules, PRB1 and City Council’s request, and noted his disagreement with the Commission’s recommendation. Mr. Ode stated it was his desire to achieve approval on a 75’ antenna support structure that is predominant in the southeastern Michigan area. Mr. Ode reported that a 20-year study on antenna failure reveals the biggest reason for antenna failure is trees falling on an antenna or its support wires. He stated there are very few failures when antenna structures are properly placed according to the manufacturer’s recommendation.

Murray Scott of 3831 Kings Point Drive, Troy, was present. Mr. Scott spoke with respect to required permits, fall zones and a reasonable height of an antenna structure. Mr. Scott noted that a petitioner does not have enough time to make a thorough presentation in front of the BZA.

PUBLIC HEARING CLOSED

**Resolution**

Moved by Kramer

Seconded by

**RESOLVED**, that the Planning Commission hereby recommends to the City Council that ARTICLE XL (GENERAL PROVISIONS) of the Zoning Ordinance, be amended as printed and modified this evening per the Planning Commission recommended amendment, dated 04/22/03.

Ms. Lancaster advised the text revision regarding the checklist as suggested by Mr. Waller and discussed by the Commission is not conducive to ordinance language and would be more appropriately handled administratively.

Mr. Kramer withdrew the above motion.

**Resolution**

Moved by Kramer

Seconded by Chamberlain

**RESOLVED**, that the Planning Commission hereby recommends to the City Council that ARTICLE XL (GENERAL PROVISIONS) of the Zoning Ordinance, be amended as printed per the Planning Commission recommended amendment, dated 04/22/03.

Yeas

Chamberlain  
Kramer  
Storrs  
Strat  
Waller

Nays

Schultz  
Vleck

Absent

Littman  
Wright

**MOTION CARRIED**

Mr. Schultz voted no because he thinks the Commission has not accomplished the task assigned to it by City Council and that no improvement has been made to the amateur radio enthusiasts.

Mr. Vleck voted no for the following reasons:

- Revised text makes it more difficult and is no improvement to the original ordinance.
- Amateur radio is a very important public service and the City and community should do more to support the people who provide it.
- A higher antenna is aesthetically more pleasing than a short stubby one. The items attached to the main pole or mast of an antenna will be aesthetically more pleasing if raised higher and out of sight. A 25 to 35 foot antenna puts the top mounted attachments of an antenna in direct line of sight of a second story window.
- A higher antenna is less likely to cause interference and reduces Radio Frequency (RF) exposure.
- A minimum antenna height of 40-50 feet should be considered.



### 3. PUBLIC COMMENT

Phil Ode of 4508 Whisper Way, Troy, was present to speak. Mr. Ode referenced the FCC Rule Book with respect to the definition of amateur radio and amateur radio service and the section relating to emergency communication. Mr. Ode spoke briefly on the definition of "effective communication". Mr. Ode noted the higher an antenna is placed, the more interference and radiation are reduced. He stated that not one antenna came down during the recent ice storm. Mr. Ode provided additional information to the Commission for its review in making a decision on amateur radio antennas.

Murray Scott of 3831 Kings Point, Troy, was present to speak. Mr. Scott cited definitions from the Webster dictionary for the words "effective" and "communication", and arrived at a definition for "effective communication" as a means of producing a definite or desired result. Mr. Murray cited the FCC Rule Book, 97.15, Section E, with reference to the height of amateur radio antennas to reasonably accommodate amateur radio service. Mr. Murray circulated information titled "Effective Summary on Antenna Height and Communication Effectiveness", inclusive of an illustration of the take off angle of signals. Mr. Murray gave a brief explanation of signal angles at different frequencies using a dipole.

The tape narrated by Walter Cronkite with respect to amateur radios will be shown at the May 6, 2003 Special/Study Meeting.

Barbara Jackson of 3035 Daley, Troy, was present to speak. Ms. Jackson questioned if the City plans to widen Big Beaver Road westbound from John R to Rochester.

Mr. Miller replied that the ultimate right-of-way has been acquired along Big Beaver Road and he believes it is the City's intent to widen Big Beaver Road to three lanes in the future.

Chairman Littman assured Ms. Jackson that the Traffic Engineering Department would provide her with a more definitive answer.

11. ORDINANCE REVISION DISCUSSION – Height Limits for Amateur Radio Antennas (ZOTA #180)

Sub-committee Report

Mr. Kramer thanked Messrs. Ode and Scott for their patience and information. He reported that the sub-committee has been unable to reach a conclusion and that each sub-committee member would provide individual reports.

Mr. Kramer circulated and read his report. Mr. Kramer's conclusion is that the Zoning Board of Appeals shall review the evidence that the amateur radio operator presents and based upon that evidence, take a close look at a height variance that may or may not be required to yield effective communications. He noted the ZBA could seek the advice of outside experts to interpret the evidence and make a finding.

Mr. Wright agrees with Mr. Kramer and with the proposed ordinance changes provided by the Planning Department that gives direction to the ZBA in its review process for granting a variance to a ham radio operator. Mr. Wright indicated his observation within one subdivision that has a proliferation of rusty and unsightly antennas and said he would not want an antenna next to his house.

Mr. Vleck believes amateur radio operators provide a very valuable public service. It is his belief that antennas are aesthetically more pleasing if they are placed higher in the air. He said amateur radio operators are required by law not to create over-exposure of radio frequencies, and noted the higher the antenna, the lower the exposure. Mr. Vleck cited two cell towers to compare in height and aesthetics are the northwest corner of Wattles and John R and the southwest corner of Maple and Rochester Roads. Mr. Vleck's definition of "effective communication" is the ability to transmit and receive signals under adverse and emergency situations. Mr. Vleck summarized the differences between his proposed changes to the ordinance and the revisions recommended by the Planning Department.

Ms. Lancaster informed the Commission that "effective communication" is not part of the FCC regulations. She said the term has come through case law, and noted other synonymous terms used in case law are "viable communication" and "successful communication". Ms. Lancaster cited the FCC regulations with respect to height limitation.

Chairman Littman reported briefly on his research of Radio Amateur Civil Emergency Service group (RACES). His understanding is that Lansing wishes to communicate within governmental agencies and there is no plan or desire to use amateur radio home setups as a communications operation. Chairman Littman said the Lansing coordinator indicated to him that in the case of a national emergency, the County would prefer that amateur radio operators not get on the air. Chairman Littman reported that Troy has set up an emergency communication process under

the Fire Chief, and the group is not a part of RACES. The Fire Chief's plan is to have portable units throughout the City to report back to the Troy central location.

Discussion continued relating to fall zones and antenna height standards implemented in other states.

It was the consensus of the Commission to publish for the June 10, 2003 Public Hearing the proposed text revisions as prepared by the Planning Department with one revision. Under Section 43.77.00, item "H" would be incorporated under Section 40.57.06. In addition, one typographical error under item "G", Section 43.77.00 – delete the word "of" in the second line.

### 13. PUBLIC COMMENT

Phil Ode of 4508 Whisper Way, Troy, stated that groups, such as RACES, MARS, and AIRE, consist of amateur radio operators who communicate from their homes. Mr. Ode spoke briefly on relay patterns, and noted that satellites are still used by amateur radio operators. He confirmed that technology is advancing very rapidly, but stated that amateur radios remain the only communication means that has not failed.

Murray Scott of 3831 Kings Point, Troy, stated that a lot of the new technology has been developed by amateur radio. He referenced the possibility of failure on the part of new technology, i.e., cell phones, and its dependency on amateur radio operators in emergency situations. Mr. Scott spoke briefly with respect to fall zones and referenced a current amateur radio operator who received a permit in 1986 to allow a 120-foot tower.

## 2. PUBLIC COMMENT

Phil Ode of 4508 Whisper Way, Troy, was present to speak. Mr. Ode stated that Troy's emergency coordinator plans to use 64 ham radio operators per shift, which averages to 128 volunteer operators per day, and noted that the City's 911 service has gone down twice. Mr. Ode stated that arguments with respect to antennas falling onto neighboring properties are somewhat discriminatory in relation to light poles, flagpoles, trees and fences. Mr. Ode explained the FCC examination procedure for amateur radio operators. Mr. Ode referenced situations in which amateur radio operators have been of assistance to both the State of Michigan and the City of Troy. He relayed the significance of vanity license plates carrying the call letters of amateur radio operators and the requirement to carry radios in their vehicles for emergency communications.

Mr. Ode believes the Mayor's definition of "effective communication" as "worldwide communication, 24 hours a day, 7 days a week" is more liberal than is realistic. He alluded to being more than happy if he has an antenna "to talk any place in the world some time and all places of the world part of the time."

Mr. Ode said it would be satisfactory and realistic from an operator's perspective to place a minimum of two antennas, and noted that a set height of 75 feet would result in multiple structures of the same height. Mr. Ode circulated material in relation to specific data, radio operation, frequencies, etc. Mr. Ode feels that his air space should not be restricted, just as another does not want his air space violated.

11. ORDINANCE REVISION DISCUSSION – Height Limits for Amateur Radio Antennas (ZOTA #180)

A discussion was held with respect to the status of the sub-committee's findings and the definition of "effective communication".

Mr. Vleck requested that the sub-committee hold one more meeting, prior to coming before the Commission with its report. Mr. Vleck stated an invitation to the meeting would be extended to Fire Chief Nelson and Police Chief Craft.

Chairman Littman stated that the item would be placed on the April 22<sup>nd</sup> agenda for further discussion.

### 3. PUBLIC COMMENT

Phil Ode of 4508 Whisper Way, Troy, was present to speak. Mr. Ode said that he has discussed emergency communications and amateur radios with Mayor Pryor. The Mayor's concern was communication to Oakland County's Emergency Operations Center (EOC) and to Lansing. Mr. Ode said that it is a direct line of site to the EOC, but Lansing is more difficult. He estimates that Lansing would require a 40-meter band and an approximate 66-foot high antenna. Mr. Ode believes that Washington, D.C. also would require a 40-meter band. Mr. Ode stated that in the event of an emergency, Troy's emergency coordinator plans to use 64 ham radio operators per shift, and noted that if the operators work 12-hour shifts, it would average out to be 128 volunteer operators per day.

Mr. Ode reported that currently amateur radio operators are relaying information and messages to and from troops overseas and family and friends.

Mr. Ode said that the Mayor cited the definition of "effective communication" at the last City Council meeting as "worldwide communication, 24 hours a day, 7 days a week", and has charged the Planning Commission to arrive at its definition of "effective communication" for the next City Council meeting. Mr. Ode offered his assistance to the Commission.

Mr. Miller explained that the City Manager has requested input on the definition of "effective communication" from both the Police Chief and Fire Chief. Chairman Littman reminded the Commission and Mr. Ode that Amateur Radio Antennas is an agenda item for the April 1, 2003 Special/Study Meeting.

Mr. Ode provided the Commission with a compact disc narrated by Walter Cronkite, and noted that one of Mr. Cronkite's statements is "the only means of communication that has never failed is ham radio."

It was determined that the compact disc would be shown to the Commission at the April 1, 2003 Special/Study Meeting.

Mr. Storrs questioned the type of antenna that is needed to communicate to Lansing.

Mr. Ode gave a brief explanation of the horizontal antenna and different frequencies.

## 2. PUBLIC COMMENT

Chairman Littman announced that the Planning Department has placed two "Public Comment" sections on the agenda; one to open the floor for comments on items that are not on the agenda and one at the end of the meeting for the public to comment on items that are on the agenda.

Phil Ode of 4508 Whisper Way, Troy, was present to address amateur radio antennas. Mr. Ode, President of Hazel Park Amateur Radio Club, said there are approximately 60 club members who are residents of Troy. Mr. Ode said a club member who is a relation to the Mayor has communicated that the Mayor sees a need for higher antennas and also believes the City should allow antennas to be erected without any extra hassle (i.e., similar to putting up a fence or flag pole) and with no requirements to go before the BZA or any special expenses.

With respect to the need for effective communications, Mr. Ode cited the State is putting up a 500-foot tower; and the County is putting up a 400-foot tower. Mr. Ode noted that the majority of ham radio operators within this area of the state have 75-foot towers, a height he would like to see the City approve.

Chairman Littman questioned if the 400 and 500-foot towers are being used for the same communications as a radio ham operator.

Mr. Ode responded that the same general frequencies are used, and noted that he can pick up police calls on his radios that have those bands as long as he is within range of the towers.

Chairman Littman then questioned why there is a need for 500-foot towers.

Mr. Ode responded the towers are needed to communicate over the distances. He explained that the height frequencies on which they are generally working (800, 400, or 150 megahertz) are within line of sight.

Chairman Littman asked if the 500-foot towers are dealing with different situations than normal ham radio operators.

Mr. Ode answered yes and no. He said that amateur radio operators would use the same frequency in the event of needed communications within the City. Other frequencies would be used, for example, to talk to Lansing where one would have the ability to talk greater distances on other bands and frequencies. Mr. Ode explained that ham radio operators would be going shorter distances than tower users.

Mr. Ode provided the following facts on amateur radios. During the Gulf War, amateur radios were the only communications in and out of Kuwait. The State of California passed a law allowing antenna heights to 75 feet throughout the state.



The State of New York, after the 9-1-1 tragedy, is pushing for a law to 95 feet. In Washington, D. C., a bill is being proposed to make the height at 70 feet throughout the United States. Washington, D. C. is also looking at overriding land covenants and deed restrictions. Mr. Ode said there are a number of sponsors in support of overriding land covenants and deed restrictions and the prospect looks fairly good at this point, but noted it takes several years to get something like this through. He noted that one was passed in 1999 with respect to satellite dish antennas. Mr. Ode suggested that the Commission also look at the FCC and its restrictions of power levels and communication distances of citizens band radio. He noted the limit for CB antennas is 20 feet and that restricts the talking distance.

Mr. Ode announced that in June, a practice called "Field Day" will be held throughout the United States. The American Radio Relay League, an organization comprising of approximately three million ham radio operators, sponsors "Field Day". Mr. Ode explained that the purpose of "Field Day" is to set up emergency transmitting antennas using emergency power sources and local radios. Then transmit as many communications that passes information of specific nature as possible, and have a contest to see how many people with whom you can make contact. Again, Mr. Ode encouraged the Commission to view the videotape of the Hazel Park Amateur Radio Club that was provided to the City Attorney's office. The tape addresses "Field Day" and community services provided by ham radio operators. Mr. Ode said that typically Hazel Park club members will run approximately 1,500 to 2,000 contacts within a 24-hour period of passing valid information. Mr. Ode cited they have worked with the County on signal emergency testing and had radio operators doing communications for the City and were monitored by the police and fire departments. He noted that both departments were satisfied with the club's capabilities.

Mr. Ode stated that amateur ham radios are not only a hobby, but operators are also responsible to supply emergency communications and other amenities for communities. He said that last year the club supplied communications for the March of Dimes Walk in Troy, and further noted that the club came to the aid of a woman who apparently experienced a heart attack by calling EMS.

Mr. Ode said the club members consist of doctors, engineers, lawyers, and members of the FCC. The club's intent is to become an effective unit for the benefit of everybody.

Mr. Ode said he was told that court cases involving antenna heights of 65 feet or under can easily be defended in today's climate. He said it's becoming more common for the court system to side with amateur radio operators, noting that Sterling Heights just lost a court case.

Mr. Storrs asked what the City of Sterling Heights allows now that they have lost a court case.

Mr. Ode responded that he believes the City of Sterling Heights has not changed its laws, noting that their laws have not been challenged since the case was lost.

Mr. Storrs said he applauds everything the club is doing and their capabilities, and agreed that a lot of the Gulf War soldiers maintained contact with their homes by ham radios. Mr. Storrs questions how the City can come to a reasonable resolution for the resident in a neighborhood who wants to erect a 75-foot antenna and still give consideration to abutting neighbors who are in opposition.

Mr. Ode concluded that he has previously expressed his reasons for this request and noted that an antenna does not appear big when the height is increased. He cited one architectural point of view is that aesthetically an antenna should be three times the height of a house. Mr. Ode said that the City has a law that is unspecific and he hopes everyone can come to an agreement for a workable solution. Mr. Ode said that he is most willing to give the Commission, as a whole or individually, any information they may need.

Chairman Littman commented that the Commission and many residents would welcome more comments on this matter at the Public Hearing.

### 3. PUBLIC COMMENT

Phil Ode, 4508 Whisper Way, Troy, was present to speak with respect to amateur radio antennas. Mr. Ode asked the Commission to give consideration to the series of photographs taken of different types of antennas in and around the City, noting that none of the photographed antennas would be approved under the ordinance amendments as proposed. He feels that one of the problems the Amateur Radio Committee is running into is trying to establish a specific antenna height, which he feels must be done on an individual basis. It is Mr. Ode's opinion that the ordinance should be more generalized with respect to antenna height. Mr. Ode said that the frequency involved would determine the desired height and the range of communications, noting there would be good and bad days for reception. Mr. Ode said that normal conditions would dictate a middle ground of approximately 66 feet and that the norm in the southeastern area of Michigan is 75 feet.

Mr. Ode addressed emergency communications and noted that it has been proven many times that ham radios have been the only communications available in emergency situations. Mr. Ode said a ham radio operator is a government representative who agrees to provide emergency communications, equipment and trained operators in a time of need.

Mr. Ode summarized that the height of an antenna can be argued to great length and recommended the Commission meet in the middle ground. Mr. Ode confirmed he and the ham radio club members would provide full support to the Commission in obtaining changes to the ordinance text.

## 7. SUB-COMMITTEE REPORTS

### Amateur Radio Antenna (ZOTA #180)

Mr. Kramer reported that the committee met prior to this evening's meeting. The committee's conclusion was that a formal summary of the status of the committee's effort would be prepared and presented to the Planning Commission for review and recommendation to City Council. Mr. Kramer expressed that the committee is having difficulty in arriving at a definitive and formal resolution. He explained that the opinion of the committee is somewhat divided between a resolution that, in his opinion, gives rules and guidance to the BZA in terms of the process that they should follow without giving any permanent height definition or expanding the ordinance to a permanent height for the antennas. He noted that the words "effective communications" will remain in the ordinance for the BZA to determine the antenna height, based on the presentation of the petitioners and based on an outside expert's determination of "effective communications".

Mr. Vleck stated that some committee members would be satisfied to keep the ordinance as is and adding text to give additional guidance to the BZA. Mr. Vleck said he is more of the position that the height should be increased that would provide more leniency and a height limitation set. Mr. Vleck believes that the focus should be on defining what is "effective communications" and that the committee should arrive at guidelines and criteria for a determined height. Mr. Vleck said that the committee is debating whether or not the Planning Commission or the BZA should define "effective communications".

Mr. Miller recommended that a report be prepared and presented to the Planning Commission summarizing the committee's studies. At that point, the Planning Commission as a whole can review the matter, make revisions if deemed necessary and determine a recommendation.

Mr. Miller announced that at the request of the Mayor, the Commission is in receipt of a copy of the Resolution passed by City Council at its August 8, 2002 meeting, as follows:

RESOLVED, That City Council direct the Planning Commission to revisit the current ordinance to reconsider a height more in compliance with federal standards for amateur radio transmission devices.

A short discussion followed.

The committee's summary and recommendation will be presented at the next Special/Study Meeting scheduled on March 25, 2003, and April 8 is a tentative public hearing date.

Mr. Miller announced that at the request of the City Manager, he is preparing a status report on this item for the upcoming March 3<sup>rd</sup> City Council meeting.

4. ORDINANCE REVISION DISCUSSION – Height Limits for Amateur Radio Antennas (ZOTA #180)

Mr. Kramer reported the Sub-committee should address some housekeeping items on the proposed ordinance text.

Mr. Savidant presented comments on the draft text from both the ZBA Attorney and the Director of Building and Zoning. He suggested that their comments needed to be incorporated into the text.

Mr. Vleck believes the committee is not addressing the directive given by Council. His understanding of the Council directive is to increase the height of an antenna so matters relating to antenna heights are not required to go before the Board of Zoning of Appeals. Because the committee has not agreed on increasing the height of an antenna, Mr. Vleck believes the committee should state its reasons why the antenna height cannot be increased.

Discussion followed.

Ms. Lancaster distributed a Federal District Court opinion on ham radios, dated January 3, that she thought the Commission would find of interest. She noted that it appears the City's current ordinance and proposed changes are constitutional. Lancaster cites that the Planning Commission can take into consideration concerns of surrounding neighbors and the impact on aesthetics.

Chairman Littman applauded the committee's work. He stated that the question remains whether an antenna height should be increased.

Mr. Kramer stated his opinion is that any structure higher than other structures in a residential district should go before the BZA, from the standpoint that it is out of character in a residential neighborhood.

Mr. Vleck said he feels the height of an antenna should be increased, noting there is no valid argument that an antenna detracts from aesthetic value of the neighborhood.

It was determined that the committee should continue its study and agreed to meet at 7:00 p.m. on February 25, prior to the scheduled Special/Study Meeting. A tentative public hearing date would be in April.

Ms. Lancaster encouraged members to view the videotape of the Hazel Park Amateur Radio Club that Phil Ode provided to the Planning Department.

Ms. Lancaster and Mr. Savidant agreed to work on bullet points as background information for the proposed text amendments.

## 6. PUBLIC COMMENT

Mr. Murray Scott of 3831 Kings Point, was present to speak about the height limits for amateur radio antennas. On behalf of Phil Ode, Mr. Scott returned documents to the Assistant City Attorney incorporating comments from Mr. Ode. Mr. Scott stated that the committee worked on the proposed ordinance changes based on what they thought Council was requesting. Mr. Scott distributed copies of Mr. Ode's version of how the ordinance should be changed. He noted two considerations for the Commission to think about. (1) Some antennas are longer than 12 feet and are almost impossible to be placed on a roof; and (2) how you would feel if you were the one story house located between two 25-foot story houses with antennas.

## 8. SUB-COMMITTEE REPORTS

- *Gateway*

Mr. Chamberlain announced that the Gateway sub-committee is scheduled to meet tomorrow, January 29, at City Hall in Conference Room D. He reported that Doug Smith has graciously accepted the invitation to join the sub-committee.

- *Amateur Radio Antenna (ZOTA #180)*

Mr. Kramer reported the committee's findings could be ready for discussion at a Special/Study Meeting in late February and a tentative public hearing date in March.

Mr. Savidant reported that the revised language has been sent out to committee members.

Mr. Miller stated that Fire Chief Nelson is a ham radio person himself and has provided the Committee with photographs of a wide variety of antennas.

Mr. Miller will place the proposed text amendment revisions on a February Special/Study Meeting agenda for discussion and will check on the timing for a public hearing in March.



4. HEIGHT LIMITS FOR AMATEUR RADIO ANTENNA (ZOTA #180)

Mr. Savidant stated that City Management has found an expert to discuss amateur radio with the subcommittee. A meeting date is being scheduled. This meeting will probably be scheduled during the daytime and the arrangements will occur this week.

Ms. Lancaster stated she talked with the gentleman that Mr. Miller found and he is willing to do this for free. He has had some other experience in dealing with this issue and the federal law. He had a lot of ideas for both sides.

## 6. PUBLIC COMMENT

Mr. Phil Ode, 4508 Whisper Way, handed out some information on ham radio towers. He stressed that the minimum height for ham radio antennae should be 75 feet. He encouraged the Planning Commission to develop a law that is workable for both the city and ham radio operators.

Bob Schultz, 883 Kirts, discussed examples of cell towers and antennae in surrounding communities.

Mr. Schultz also presented a Traffic Committee Report. He noted that three sidewalk variances were recently granted, one for Hollywood Market and two for single family homes.

Mr. Kramer invited Mr. Ode to participate in a Ham Radio Committee meeting that has yet to be scheduled. He wants Mr. Ode to assist in developing a process whereby the BZA can determine whether an application meets the intent of the FCC in terms of allowing for effective communication.

## 7. HAM RADIO – REPORT STATUS

Mr. Kramer stated that the sub-committee met earlier this evening. There was a general discussion of the issue. One of the topics for discussion was a review of the summary that he had prepared which talked about some the technical issues. There are three (3) different options for discussion. One was keeping the ordinance as it is; two is put a rubber stamp on it at fifty (50) feet; and three, let's look at the guidelines we possibly could send to the BZA as a means to make intelligent decisions in the future. A couple of those that were focused on was possibly adding a City expert's point of view at such time that they would consider a review of the petitioner's technical presentation. If you remember what we are looking at here, is an ordinance that remains as our ordinance is today in line with the FCC's recommendation that we must permit effective communications. At some point there may be a technical requirement or discussion that needs to be investigated or supported by the City. We've made some progress and I suspect in line with those next steps, we have a sub-committee meeting and/or a study session with this entire body where we receive input both from the amateur radio community and other interested parties.

Mr. Chamberlain commented, in other words, you mean your thinking about a Dr. Jaworski for antennas. Is that what you're saying?

Mr. Kramer stated that would be a resource available to the BZA as required. I don't think we would automatically hire a consultant every time a petition came in. We would have a consultant available to review the petitioner's set of circumstances that they put together as to why their current antenna does not allow for proper communication, at that point.

Mr. Chamberlain asked, that could be one of your recommendations?

Mr. Kramer replied, yes.

Mr. Chamberlain stated that Mr. Kramer had commented earlier about having a sub-committee meeting and/or a study session with the entire body, the amateur radio community and other interested parties and that he would like to see all those other folks brought back to the Board. He would like to see that if there are any changes and/or recommendations for no changes, he would like to see the sub-committee bring them in. He does not want to see this whole Board get wrapped around trying to write an ordinance.

Mr. Chamberlain asked the Board if they would like to see this brought back to the Board or rather continue to let the sub-committee work on it more thoroughly and then bring it back. The Board agreed that the sub-committee should proceed as is and then bring it back to the Board when they have it pretty much wrapped up.

8. HEIGHT LIMITS FOR AMATEUR RADIO – ANTENNA (ZOTA #180)

Mr. Miller presented a summary and overview on the situation where a resident was denied a BZA height variance for an antenna. Ham radio operators and the residents asked City Council to relax the height restrictions. City Council then directed the Planning Commission to address the ham radio antenna restrictions.

Susan Lancaster, Assistant City Attorney commented on her legal opinion regarding the legality of the current zoning ordinance in relation to height limits for amateur radio antennas. It was noted that the zoning ordinance is legal.

Mr. Miller stated that there has been numerous documentation submitted to City Council, from Phil Ode, in support of increased heights of amateur radio antennas. City Council requested City Staff to produce a report and that the Planning Commission consider revisions to the zoning ordinance.

Mr. Chamberlain stated he would like Mr. Wright and Mr. Kramer to volunteer in looking further into this issue along with Ms. Lancaster. Mr. Vleck also volunteered to sit on the subcommittee. He also asked Mr. Miller to find a radio engineer to help in analyzing this situation

Philip Ode, 4503 Whisper Way, presented a summary on behalf of radio operators, like himself, regarding radios and the need for an increase in heights in antennas.

**ITEM #7 - con't.**

Mr. Cascianelli then stated that he had brought in a petition with seven (7) additional signatures indicating approval of this request.

The Chairman opened the Public Hearing. No one wished to be heard and the Public Hearing was closed.

There are also two (2) written approvals on file and one (1) written objection on file.

Mr. Courtney asked how the depth of the footings would be determined once a Building Permit was issued. Mr. Stimac said that the Building Department would field verify that the footings comply with the Ordinance.

Motion by Hutson  
Supported by Kovacs

MOVED, to grant Ms. Kathleen Casianelli, 2226 Prescott, approval to maintain a gazebo as required by Section 40.57.10 of the Ordinance and to allow this accessory structure to be within 9'-4" of the main structure where a 10' minimum distance is required by Section 40.57.05.

- Structure location is very close to complying with the Ordinance requirements.
- Variance is not contrary to public interest.
- Variance does not permit the establishment of a prohibited use in a zoning district.
- Conformance to the Ordinance is unnecessarily burdensome as encroachment is minimal.

Yeas: All – 7

MOTION TO GRANT VARIANCE CARRIED

**ITEM #8 - PROPOSED ZONING ORDINANCE TEXT AMENDMENT, HEIGHT LIMITS FOR AMATEUR RADIO ANTENNAS.**

Mr. Stimac explained that the Planning Commission has reviewed and proposed changes to the criteria to height limits for amateur radio antennas. Although the Board of Zoning Appeals does not usually review and comment on Zoning Ordinance Text amendments, these changes are specific to the Zoning Board of Appeals criteria for hearing variance for such antennas.

Mr. Stimac also said that the Planning Commission has asked that the Board of Zoning Appeals review these proposals and provide comments as to the effectiveness of these new proposals. Mr. Stimac said that most of the language in Section 43.77 deals with the specific requirements of the Board of Zoning Appeals and is somewhat similar with

**ITEM #8 – con't.**

the current language in 43.80. Mr. Stimac explained that it basically sets out how the Board can go about determining if effective communication would be obtained. Mr. Stimac also said that it requires that the petitioner provide the Board with a current Amateur Radio license, it specifically states that the petitioner must provide evidence that a higher antenna is required for effective communication and it allows the Board of Appeals to enlist the aid of Radio Engineers to help the Board determine the need for a variance request and also allows the Board to grant a lesser variance. Mr. Stimac said that it gives specific powers to the Board as to screening, and hours of operation. Item G has specific requirements for a "fall zone setback, meaning that the height of the antenna must be setback at least the height of the antenna from the property line.

Mr. Maxwell said that a lot of the ordinances and laws are a result of the PRB1 – Limited Preemption from the FCC. Basically the intent is to find a balance between effective communication and health, safety and welfare concerns. PRB1 does not cover covenants, conditions and restrictions contained in deeds, by-laws of homeowner associations or in the regulations of an architectural control committee.

Mr. Maxwell also asked if the maximum height of a residence was 25'. Mr. Stimac said that there are conditions in the R-1A and R-1B districts, where you may actually get a house taller than that, up to 32' under certain circumstances. Mr. Maxwell also said that there have been a number of studies done for effective communication and one of them indicates that it would be 20 meters, and he feels that a height of 30' – 40' would be difficult to defend. Mr. Maxwell also said that besides the "fall-zone" requirement he would like to see an additional setback of 5' – 10' added as part of this requirement.

Mr. Kramer said that this item was referred to the Planning Commission by City Council and the Planning Commission took this task very seriously. Mr. Kramer explained that a sub-committee was formed that consisted of a three (3) person panel, who met at least half a dozen times, and listened to amateur radio operators, the public, professional Radio Frequency consultants and went over a large amount of documentation. Mr. Kramer said that issue comes down to this Board on a case-by-case basis to determine whether or not a variance should be granted. Mr. Kramer also indicated that when you look into the technical aspect of the antennas, the information mushrooms at that point. Mr. Kramer said that one amateur may communicate on a low frequency and another on a very high frequency. Mr. Kramer also said that transmitter power, specific frequency and band also can determine how effective the communication can be. Mr. Kramer said that a requirement for one petitioner may be totally out of context for another. Mr. Kramer indicated that there are many variables, which will determine effective communication. Mr. Kramer further stated that this is a hobby and not a utility although it still helps the public in many instances. Mr. Kramer said that he will take back any comments from the Board to the Planning Commission.

**ITEM #8 – con't.**

Mr. Courtney asked if an antenna that goes up 5' higher than the house would have a different "fall-zone" than an antenna that is mounted to the roof of the house. Mr. Stimac indicated that as written the "fall-zone" is only required on a ground-mounted antenna.

Mr. Courtney asked about Section B, which relates to hiring a consultant to determine the need for a higher antenna. Mr. Hutson said that he feels that if a consultant is hired to help the Board on some issue, the burden of cost of this consultant would fall to the petitioner as part of the application fee. Mr. Hutson also said that he felt this document gives the Board a lot of leeway and was extremely helpful in dealing with these requests on a case-by-case basis.

Mr. Kramer said that when you talk about amateur radio antennas, they are not talking about just the tower, and therefore you must consider any structure on top of the tower for a "fall-zone" requirement.

Mr. Maxwell again stated that he would like to see a setback requirement added to the "fall-zone". Mr. Maxwell said that he is in favor of people pursuing a hobby, however, he felt that the lot for which an antenna was requested should be able to support the height of the antenna. Mr. Courtney asked if Mr. Maxwell wanted the fall-zone setback plus 5' to 10' additional for a setback. Mr. Maxwell indicated that this was correct.

Mr. Kramer said that there are engineering specs that will indicate how the antenna is designed to fail, although not necessarily at the base. Mr. Hutson said that he had seen communication towers that were camouflaged very well and asked if the Planning Commission had considered any type of requirement regarding camouflage. Mr. Kramer said that they had not seen any type of camouflage that would work for these type pf residential towers.

Mr. Kovacs asked if there were "fall-zone" conditions on a flagpole. Mr. Stimac explained that the Ordinance does not have specific requirements regarding flagpoles; however, there are requirements in the Sign Ordinance, which address identification flags. Mr. Stimac also said that the Building Department does recommend to anyone that inquires that a flagpole should be located within a "fall-zone" on their property.

Mr. Maxwell then asked if the Board was satisfied with the height of antennas as proposed by the Planning Commission. The Board agreed with the proposed language. Mr. Maxwell then asked if anyone would agree with him in adding another setback requirement to the fall-zone. Mr. Kovacs said that he felt the fall-zone requirements were sufficient. Mr. Maxwell said that he feels if you are going to have a large antenna you should have a large lot to support it.

Mr. Courtney said that he was more in favor of taller antennas due to the fact that there is less interference with television.

**ITEM #8 – con't.**

Mr. Maxwell asked Mr. Kramer to take the Board's comments back to the Planning Commission. Mr. Courtney said that he would be in favor of adding 5' or 10' to the fall-zone requirement.

Mr. Hutson asked that the Planning Commission be advised that the Board feels that this was very well done.

The Board of Zoning Appeals meeting adjourned at 8:46 P.M.

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Mark Maxwell, Chairman

  
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Pamela Pasternak, Recording Secretary

MS/pp

















































November 18, 2003

TO: Honorable Mayor and City Council

FROM: John Szerlag, City Manager  
Gary A. Shripka, Assistant City Manager/Services  
Mark Stimac, Building and Zoning Director  
Mark F. Miller, Planning Director

SUBJECT: PUBLIC HEARING FOR ZONING ORDINANCE TEXT AMENDMENT  
(ZOTA-198) – Article 40.20.00 Parking Requirements

### **RECOMMENDATION**

The Planning Commission initiated a comprehensive review and revision of the parking requirements contained within the zoning ordinance. On May 13, 2003, the Planning Commission conducted a public hearing and recommended to City Council an amendment to the parking standards. This amendment provides for joint parking, landbank parking and revisions to many of the minimum parking space requirements for specific land uses.

City Management only concurs with the joint parking and landbank parking provisions of the Planning Commission's recommendation. City Management recommends denial of the revised minimum parking space requirements. There is not a demonstrated need to revise these standards. In fact, the proposed amendment does not address specific complaints or problems throughout the City. The proposed amendment will turn most apartment complexes, schools, hospitals and child care centers into non-conforming structures. Non-conforming structures cannot be enlarged or reconstructed if destroyed by 60%, unless the development (including the number of required parking spaces) conforms with Zoning Ordinance regulations or receives approval from the BZA. City Management believes the negative results of the increased parking standards outweigh the positive results, since there is no empirical analysis to justify the proposed increased parking space requirements.

### **BACKGROUND**

The Planning Commission started the review of the parking standards in 2002. During this time frame, the Planning Commission discussed the parking standards at ten Planning Commission meetings. Over that time, Richard Carlisle, the City's Planning Consultant, provided an analysis for the Planning Commission and City Management. Mr. Carlisle's input provided rather detailed language for shared parking and landbank parking provisions. In addition, Mr. Carlisle's analysis regarding minimum parking space requirements was used as a comparison of acceptable municipal standards.



What is important to note is that the City's minimum parking space requirements fall within acceptable municipal standards.

City Management has notified approximately 3,500 non-residential, apartment and condominium property owners of the November 24, 2003 public hearing. This notification ensures that affected property owners are notified and there is sufficient opportunity for public comment regarding the proposed amendment.

#### Attachments

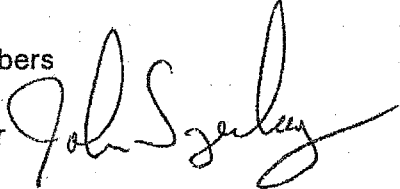
1. City Manager John Szerlag April 1, 2003 Memorandum
2. Off-Street Parking Space Evaluation Matrix
3. ZOTA 198 Planning Commission Version
4. ZOTA 198 City Management Version
5. Carlisle/Wortman January 24, 2003 Memo
6. Carlisle/Wortman February 21, 2003 Memo
7. Planning Commission Minutes

cc: File / ZOTA 198  
Planning Commission

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April 1, 2003

TO: Planning Commission Members

FROM: John Szerlag, City Manager 

SUBJECT: Methodology to Propose Ordinance Changes; in this Case,  
Off-street Parking

As you know, the preponderance of our ordinances are underpinned by health/safety concerns, and community values. As our environment and values change, so too must we calibrate our ordinances. However, these changes must be predicated on solving defined problems or addressing specific community needs. Proposed modifications to the off-street parking ordinance are no exception. Given this, I suggest you provide justification for each of your proposed changes, as I have charged my staff with analyzing/evaluating the rationale for your proposed text amendments.

In my assignment to staff, I've asked them to determine if any empirical analysis has been performed to justify a change in our ordinance. If not, should there be? My concern here is that if we have an ordinance that we don't think adequately addresses a particular circumstance relative to off-street parking, by what measure do we propose another regulation? Staff is also to advise as to whether specific problems are encountered which justifies a change to our ordinance. Additionally, is there a municipal standard from which our requirements substantially deviate? Also, I've asked staff to determine if any contact has been made with property owners that are affected by these changes. As example, was Superintendent of Schools Dr. Jopke advised of proposed changes to parking at public schools? Was Beaumont Hospital Sr. Vice President/Hospital Director Gene Michalski consulted prior to making proposed changes to parking requirements at hospitals? I know Mr. Doug Mossman of the Oakland Mall has a concern regarding mall parking, and I've asked staff to work on this with him.

I've also asked staff to comment on possible unintended consequences that may result from your proposed changes to the ordinance. For example, what is the scope of non-conforming structures that will be created as a result of some of these proposed changes? So too, how many calls have we received from property owners or residents affected by off-street parking indicating a need to change various provisions of our ordinance?

Planning Commission Members

April 1, 2003

Page Two

Should you agree to address proposed text amendments based on solving a defined problem and/or addressing a documented community need, please develop a resolution indicating such. We'll then make your resolution part of the packet of information that goes to City Council when they give a disposition on this matter. Ideally, my plan is to have Council view proposed changes from City Management, Planning Commission, planning consultant, affected property owners, and other comments received before or at the Planning Commission public hearing.

Please feel free to call me should you have any questions.

JS/mr\2003\To Planning Commission Re Off-street Parking

c:     Lori Grigg Bluhm, City Attorney  
        Jan Jopke, Superintendent of Troy School District  
        Susan Lancaster, Assistant City Attorney  
        Eugene Michalski, Sr. Vice President and Hospital Director  
        Mark Miller, Planning Director  
        Doug Mossman, Oakland Mall  
        Gary A. Shripka, Assistant City Manager/Services  
        Doug Smith, Real Estate and Development Director  
        Mark Stimac, Director of Building and Zoning

# OFF-STREET PARKING SPACE EVALUATION

## CITY OF TROY ZONING ORDINANCE

Prepared by the City of Troy Planning Department

October 3, 2003

USE AND PARKING SPACE STANDARD	RECOMMENDED FOR APPROVAL BY PLANNING COMMISSION	PLANNING CONSULTANT RECOMMENDATION	DRAFT CITY MANAGEMENT RECOMMENDATION
<b>40.21.11 One Family Detached</b> Two (2) for each dwelling unit.	<i>No change recommended.</i>	<i>Agrees with Planning Commission recommendation.</i>	<i>No change recommended.</i>
<b>40.21.12 One Family Attached</b> Two (2) for each dwelling unit.	Two (2) for each dwelling unit, <u>plus one (1) space per six (6) required spaces for guest parking.</u>	<i>Agrees with Planning Commission recommendation.</i>	<i>No change recommended.</i>
<b>40.21.13 One Family Cluster</b> Two (2) for each dwelling unit.	Two (2) for each dwelling unit, <u>plus one (1) space per six (6) required spaces for guest parking.</u>	<i>Agrees with Planning Commission recommendation.</i>	<i>No change recommended.</i>
<b>40.21.14 Two Family</b> Two (2) for each dwelling unit.	Two (2) for each dwelling unit, <u>plus one (1) space per six (6) required spaces for guest parking.</u>	<i>Agrees with Planning Commission recommendation.</i>	<i>No change recommended.</i>
<b>40.21.15 Multiple Family</b> Two (2) for each dwelling unit.	Two (2) for each dwelling unit, <u>plus one (1) space per six (6) required spaces for guest parking.</u>	<i>Agrees with Planning Commission recommendation.</i>	<i>No change recommended.</i>
<b>41.21.16 Senior Citizen Housing</b> 0.65 for each unit, and one (1) for each one (1) employee. Should the units revert to general occupancy, then two (2) spaces per unit shall be provided.	<u>One (1) 0.65</u> for each unit, and one (1) for each one (1) employee <u>on the largest working shift.</u> Should the units revert to general occupancy, then two (2) spaces per unit shall be provided.	<i>Agrees with Planning Commission recommendation.</i>	<i>No change recommended.</i>
<b>40.21.17 Convalescent Homes</b> One (1) for each two (2) beds.	One (1) for each <del>two (2)</del> <u>three (3) beds plus one (1) per employee on the largest working shift.</u>	<i>Agrees with Planning Commission recommendation.</i>	<i>No change recommended.</i>
<b>40.21.18 Mobile Home Park</b> Two (2) for each mobile home site and one (1) for each employee of the mobile home.	Two (2) for each mobile home site and one (1) for each employee of the mobile home park, <u>plus one (1) for each six (6) required spaces for guest parking.</u>	<i>Agrees with Planning Commission recommendation.</i>	<i>No change recommended.</i>

# OFF-STREET PARKING SPACE EVALUATION

## CITY OF TROY ZONING ORDINANCE

Prepared by the City of Troy Planning Department

October 3, 2003

USE AND PARKING SPACE STANDARD	RECOMMENDED FOR APPROVAL BY PLANNING COMMISSION	PLANNING CONSULTANT RECOMMENDATION	DRAFT CITY MANAGEMENT RECOMMENDATION
<b>40.21.21 Religious Worship Facilities</b> One (1) for each three (3) seats or six (6) feet of bench seating in the main unit of worship.	<i>No change recommended.</i>	<i>Agrees with Planning Commission recommendation, and recommends elimination of Section 10.30.04(G).</i>	<i>No change recommended.</i>
<b>40.21.22 Hospital</b> Three (3) for each one (1) bed.	<del>Three (3) for each one (1) bed.</del> <u>Two (2) per bed plus one (1) per emergency room or outpatient examination table or bed plus one (1) per worker on the largest working shift plus one (1) per hospital vehicle.</u>	Two (2) per bed plus one (1) per employee on the largest working shift.	<i>No change recommended.</i>
<b>40.21.23 Nursery Schools and Child Care Centers</b> One (1) for each one (1) teacher, employee or administrator and one (1) for each ten (10) students or children cared for.	One (1) for each one (1) teacher, employee or administrator and one (1) for each <del>ten (10)</del> <u>five (5)</u> students or children cared for.	<i>Agrees with Planning Commission recommendation.</i>	<i>No change recommended.</i>
<b>40.21.24 Elementary Schools</b> One (1) for each one (1) teacher, employee or administrator, in addition to the requirements of the auditorium or multi-purpose room.	One (1) for each one (1) teacher, employee or administrator, <u>plus one (1) for each ten (10) students or children cared for,</u> in addition to the requirements of the auditorium or multi-purpose room.	One (1) for each one (1) teacher, employee or administrator, <u>plus one (1) for each ten (10) students or children enrolled in an in-school day care program.</u>	<i>No change recommended.</i>
<b>40.21.25 Middle or Junior High Schools</b> One (1) for each one (1) teacher, employee or administrator, in addition to the requirements of the auditorium or multi-purpose room.	One (1) for each one (1) teacher, employee or administrator, <u>plus one (1) for each ten (10) students or children cared for,</u> in addition to the requirements of the auditorium or multi-purpose room.	One (1) for each one (1) teacher, employee or administrator, <u>plus one (1) for each ten (10) students or children enrolled in an in-school day care program.</u>	<i>No change recommended.</i>
<b>40.21.26 Senior High School</b> One (1) for each one (1) teacher, employee or administrator and one (1) for each ten (10) students, in addition to the requirements of the auditorium.	One (1) for each one (1) teacher, employee or administrator and one (1) for each ten (10) students, in addition to the requirements of the auditorium, <u>stadium, sports arena or place of assembly, whichever is greater.</u>	One (1) for each one (1) teacher, employee or administrator and one (1) for each <u>five (5)</u> <del>ten (10)</del> students, <del>in addition to the requirements of the auditorium, stadium, sports arena or place of assembly.</del>	<i>No change recommended.</i>
<b>40.21.27 Adult Foster Care Facility</b> Two (2) plus one (1) for each employee.	<del>Two (2)</del> <u>One (1) per four (4) residents plus one (1) for each employee on the largest working shift.</u>	<i>Agrees with Planning Commission recommendation.</i>	<i>No change recommended.</i>
<b>40.21.31.A Restaurant (Dining room)</b>	<i>No change recommended.</i>	<i>Combine Dining Room and Banquet</i>	<i>No change recommended.</i>

OFF-STREET PARKING SPACE EVALUATION  
CITY OF TROY ZONING ORDINANCE

Prepared by the City of Troy Planning Department  
October 3, 2003

USE AND PARKING SPACE STANDARD	RECOMMENDED FOR APPROVAL BY PLANNING COMMISSION	PLANNING CONSULTANT RECOMMENDATION	DRAFT CITY MANAGEMENT RECOMMENDATION
One (1) for each two (2) persons within the seating capacity of the establishment, plus one (1) employee parking space for each ten (10) seats within the seating capacity or one (1) for each thirty-five (35) square feet of dining area, whichever is greater.		<i>facilities into one category:</i> <b>Dining Room / Banquet Room</b> One (1) for each two (2) persons within the seating capacity of the establishment, plus one (1) for each employee on the largest working shift <del>employee parking space for each ten (10) seats within the seating capacity or one (1) for each thirty-five (35) square feet of dining area, whichever is greater.</del>	
<b>40.21.31.B Restaurant (Banquet Room)</b> One (1) for each two (2) persons within the seating capacity of the establishment, plus one (1) employee parking space for each ten (10) seats within the seating capacity or one (1) for each twenty (20) square feet of banquet area, whichever is greater.	<i>No change recommended.</i>	<i>Combine “Banquet Room” with “Dining Room” use classification, eliminate existing standard for “Banquet Rooms”.</i>	<i>No change recommended.</i>
<b>40.21.31.C Restaurant (Drive- up Facilities)</b> Nine (9) stacking spaces shall be provided for each drive-up station.	<i>No change recommended.</i>	<b>C Fast Food Restaurants Restaurant (Drive-up Facilities)</b> One (1) for each two (2) persons within the seating capacity of the establishment, plus one (1) for each employee on the largest working shift, plus nine (9) stacking spaces shall be provided for each drive-up station.	<i>No change recommended.</i>

# OFF-STREET PARKING SPACE EVALUATION

## CITY OF TROY ZONING ORDINANCE

Prepared by the City of Troy Planning Department

October 3, 2003

USE AND PARKING SPACE STANDARD	RECOMMENDED FOR APPROVAL BY PLANNING COMMISSION	PLANNING CONSULTANT RECOMMENDATION	DRAFT CITY MANAGEMENT RECOMMENDATION
<b>New standard for “Bars, Taverns or Nightclubs”, as suggested by Planning Consultant.</b>	<i>No change recommended.</i>	<u>One (1) for each two (2) persons allowed within maximum occupancy as established by local, county or state fire, building or health codes.</u>	<i>No change recommended.</i>
<b>40.21.32 Business Schools Colleges and Trade Schools</b> One (1) for each one (1) student allowed within the maximum occupancy load as established by local, county or state fire, building or health codes.	<i>No change recommended.</i>	<del>One (1) for each one (1) student</del> <u>One (1) for each two (2) students allowed within the maximum occupancy load as established by local, county or state fire, building or health codes, plus two (2) spaces for each classroom, laboratory or instruction area.</u>	<i>No change recommended.</i>
<b>40.21 33 Martial Arts and Dance Schools</b> One (1) for each three (3) students allowed within the maximum occupancy load as established by local, county or state fire, building or health codes.	<i>No change recommended.</i>	<i>Agrees with Planning Commission recommendation.</i>	<i>No change recommended.</i>
<b>40.21.34 Commercial Recreation Facilities</b> One (1) for each three (3) persons allowed within the maximum occupancy load as established by local, county or state fire, building or health codes OR the required number of parking spaces calculated using the specific requirements of each facility; whichever is greater.	<i>No change recommended.</i>	<u>One (1) for each three (3) persons allowed within the maximum occupancy load as established by local, county or state fire, building or health codes OR one or more of the following, whichever is greater the required number of parking spaces calculated using the specific requirements of each facility; whichever is greater.</u>	<i>No change recommended.</i>
<b>40.21.34.A Court Type Recreation</b> Two (2) for each person permitted by the capacity of the courts.	<i>No change recommended.</i>	<del>Two (2)</del> <u>One (1) for each two (2) persons permitted by the capacity of the courts, plus one (1) for each employee on the largest working shift, plus requirements for any restaurant use in accordance with Section 40.21.31.</u>	<i>No change recommended.</i>
<b>40.21.34.B Health, Fitness and Athletic Clubs</b> One (1) for each fifty (50) square feet of exercise area, including swimming facilities.	<i>No change recommended.</i>	<u>One (1) for each two (2) persons allowed within the maximum occupancy load as established by local, county or state fire, building or health codes</u> <del>fifty (50) square feet of exercise area, including swimming facilities, plus</del>	<i>No change recommended.</i>

# OFF-STREET PARKING SPACE EVALUATION

## CITY OF TROY ZONING ORDINANCE

Prepared by the City of Troy Planning Department

October 3, 2003

USE AND PARKING SPACE STANDARD	RECOMMENDED FOR APPROVAL BY PLANNING COMMISSION	PLANNING CONSULTANT RECOMMENDATION	DRAFT CITY MANAGEMENT RECOMMENDATION
		<u>requirements for any restaurant use in accordance with Section 40.21.31.</u>	
<b>40.21.34.C Private (Non-profit) Recreation Clubs (Residential Districts)</b> One (1) for each two (2) member families and/or individual members, unless provided in this chapter.	<i>No change recommended.</i>	<i>Agrees with Planning Commission recommendation.</i>	<i>No change recommended.</i>
<b>40.21.34.D Stadium, Sports Arena</b> One (1) for each three (3) seats or six (6) feet of bench seating.	<i>No change recommended.</i>	<i>Agrees with Planning Commission recommendation.</i>	<i>No change recommended.</i>
<b>40.21.34.E Bowling Alley</b> Five (5) for each one (1) bowling lane.	Five (5) for each one (1) bowling lane, <u>plus requirements for accessory uses.</u>	Five (5) for each one (1) bowling lane, <u>plus requirements for accessory uses.</u> <u>any restaurant use, in accordance with Section 40.21.31.</u>	<i>No change recommended.</i>
<b>40.21.34.F Golf Courses Open to the Public</b> Six (6) for each one (1) golf hole and one (1) for each one (1) employee.	Six (6) for each one (1) golf hole and one (1) for each one (1) employee, <u>plus requirements for accessory uses.</u>	Six (6) for each one (1) golf hole and one (1) for each one (1) employee, <u>plus requirements for accessory uses.</u> <u>any restaurant use, in accordance with Section 40.21.31.</u>	<i>No change recommended.</i>
<b>40.21.34.G Miniature or "Par-3" Golf Courses</b> Three (3) for each one (1) hole plus (1) for each one employee.	<i>No change recommended.</i>	<i>Agrees with Planning Commission recommendation.</i>	<i>No change recommended.</i>
<b>40.21.35 Lecture Facilities (Without fixed seats)</b> One (1) for each two (2) seats and one (1) for each one (1) employee.	<i>Add "Auditoriums for and Theaters" to use classification, eliminate existing standard for "Auditoriums for and Theaters"</i>	<i>Agrees with Planning Commission recommendation.</i>	<i>No change recommended.</i>
<b>40.21.36 Auditoriums and Theaters</b> One (1) for each two (2) seats and one (1) for each one (1) employee.	<i>Eliminate standard (see 40.21.35 above)</i>	<i>Agrees with Planning Commission recommendation.</i>	<i>No change recommended.</i>
<b>40.21.37 Lodge Halls, Social Clubs and Fraternal Organizations</b> One (1) for each three (3) persons allowed within the maximum occupancy load as established by local, county or state fire, building or health codes. In those areas used for dining room or banquet room purposes, the parking requirements for such use areas shall apply.	<i>No change recommended.</i>	<i>Agrees with Planning Commission recommendation.</i>	<i>No change recommended.</i>



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<b>40.21.41 Retail Store (unless listed below)</b> One (1) for each two hundred (200) square feet of gross floor area.	<i>No change recommended.</i>	<i>Agrees with Planning Commission recommendation.</i>	<i>No change recommended.</i>

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<p><b>40.21.42 Shopping Center</b></p> <p>One (1) per 170 square feet of gross floor area, including mall area, service areas and mechanical areas, as measured from the outside face of the exterior walls.</p> <p>When shopping centers have "Places of Assembly" (as defined in Section 04.20.124), the extent of such uses shall be limited by the following table. The "Maximum Percent of Available Parking" to be used for "Places of Assembly" shall be determined in accordance with their individual requirements as provided in the Sections headed by Section 40.21.30.</p> <p><u>Places of Assembly</u></p> <table><tr><th>Maximum size of center in sq. ft.</th><th>Maximum percent of gross floor area</th><th>Maximum percent of available parking</th></tr><tr><td>50,000</td><td>15 %</td><td>50 %</td></tr><tr><td>100,000</td><td>25 %</td><td>50 %</td></tr><tr><td>100,000 +</td><td>20 %</td><td>40 %</td></tr></table> <p>Parking for "Places of Assembly" areas exceeding the maximum percent of gross floor area or the maximum percent of available parking indicated above shall be provided in addition to the parking required for the total shopping center.</p>	Maximum size of center in sq. ft.	Maximum percent of gross floor area	Maximum percent of available parking	50,000	15 %	50 %	100,000	25 %	50 %	100,000 +	20 %	40 %	<p>No change recommended.</p>	<p>A minimum of <del>One</del> (1) per <del>170</del> <u>two hundred (200)</u> square feet of gross floor area, including mall area, service areas and mechanical areas, as measured from the outside face of the exterior walls, <u>not to exceed a maximum of one (1) per one hundred twenty five (125) square feet of gross floor area.</u></p> <p>When shopping centers have "Places of Assembly" (as defined in Section 04.20.124), <u>the parking for such uses shall be in accordance with Section 40.21.30.</u> <del>extent of such uses shall be limited by the following table. The "Maximum Percent of Available Parking" to be used for "Places of Assembly" shall be determined in accordance with their individual requirements as provided in the Sections headed by Section 40.21.30.</del></p> <p><u>Places of Assembly</u></p> <table><tr><th>Maximum size of center in sq. ft.</th><th>Maximum percent of gross floor area</th><th>Maximum percent of available parking</th></tr><tr><td>50,000</td><td>15 %</td><td>50 %</td></tr><tr><td>100,000</td><td>25 %</td><td>50 %</td></tr><tr><td>100,000 +</td><td>20 %</td><td>40 %</td></tr></table> <p>Parking for "Places of Assembly" areas exceeding the maximum percent of gross floor area or the maximum percent of available parking</p>	Maximum size of center in sq. ft.	Maximum percent of gross floor area	Maximum percent of available parking	50,000	15 %	50 %	100,000	25 %	50 %	100,000 +	20 %	40 %	<p>No change recommended.</p>
Maximum size of center in sq. ft.	Maximum percent of gross floor area	Maximum percent of available parking																									
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100,000	25 %	50 %																									
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		<del>indicated above shall be provided in addition to the parking required for the total shopping center.</del>	
<b>40.21.43 Automobile Service Station</b> Two (2) for each lubrication stall, rack, or pit; and one (1) for each gasoline pump unit.	<i>No change recommended.</i>	Two (2) for each lubrication stall, rack, or pit; and one (1) for each gasoline pump unit, and one (1) <u>per one hundred (100) square feet of floor area devoted to retail sales and customer service.</u>	<i>No change recommended.</i>

# OFF-STREET PARKING SPACE EVALUATION

## CITY OF TROY ZONING ORDINANCE

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<b>40.21.44 Automobile Car Wash</b> One for each one (1) employee. In addition, a stacking lane shall be provided at the rate of five (5) cars for each twenty (20) feet of wash line.	<i>No change recommended.</i>	A. <u>Automatic</u> : One (1) for each <del>one (1)</del> employee <u>on the largest shift and one (1) for each vacuum station</u> . In addition, a stacking lane shall be provided at the rate of five (5) cars for each twenty (20) feet of wash line. B. <u>Self-service</u> : One (1) within each wash stall, one (1) for each vacuum station and one (1) per each employee on the largest shift. In addition, one (1) stacking space per each wash stall shall be provided.	<i>No change recommended.</i>
<b>40.21.45 Automobile Sales and Service</b> One (1) for each two hundred (200) square feet of sales area and one (1) for each one (1) auto service stall in the service area.	<i>No change recommended.</i>	One (1) for each two hundred (200) square feet of sales area and one (1) for each one (1) auto service stall in the service area, <u>plus one (1) for each service vehicle</u> .	<i>No change recommended.</i>
<b>40.21.46 Hair and Beauty Salons including Nail Salons</b> Three (3) for each of the first two (2) chairs and one and one-half (1-1/2) spaces for each additional chair.	<i>No change recommended.</i>	<del>Three (3) for each of the first two (2) chairs and one and one-half (1-1/2) spaces for each additional chair.</del> <u>Two (2) for each chair.</u>	<i>No change recommended.</i>
<b>40.21.47 Furniture, Appliance, and Service Trades</b> One (1) for each one thousand (1000) square feet of gross Showroom and Sales floor area, plus one (1) for each one (1) employee.	<i>No change recommended.</i>	One (1) for each one thousand (1000) square feet of gross Showroom and Sales floor area, plus one (1) for each <del>one (1)</del> employee <u>on the largest working shift</u> .	<i>No change recommended.</i>
<b>40.21.49 Laundromats</b> One (1) for each two (2) washing machines.	<i>No change recommended.</i>	<i>Agrees with Planning Commission recommendation.</i>	<i>No change recommended.</i>
<b>40.21.50 Commercial Lodging Establishments</b> For each one (1) occupancy unit plus one (1) for each one employee. In addition parking shall be provided for restaurants, meeting rooms, conference rooms, banquet rooms and other similar assembly hall facilities, in order to accommodate that portion of the seating capacity of such facilities which exceeds the number of occupancy units within the establishment.	<i>No change recommended.</i>	<u>One (1) for each <del>one (1)</del> occupancy unit plus one (1) for each <del>one</del> employee on the largest shift</u> . In addition parking shall be provided for restaurants, <u>banquet rooms and bars</u> , meeting rooms, conference rooms, <del>banquet rooms</del> and other similar assembly hall facilities, <u>in accordance with the standards of</u>	<i>No change recommended.</i>

# OFF-STREET PARKING SPACE EVALUATION

## CITY OF TROY ZONING ORDINANCE

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		<del>Section 40.21.30, in order to accommodate that portion of the seating capacity of such facilities which exceeds the number of occupancy units within the establishment.</del>	
<b>40.21.51 Mortuary Establishments</b> One (1) for each fifty (50) square feet of assembly room and visitation parlor area.	<i>No change recommended.</i>	One (1) for each fifty (50) square feet of assembly room and visitation parlor area, <u>plus one (1) space for each service vehicle kept on the premises.</u>	<i>No change recommended.</i>
<b>40.21.52 Commercial Kennels</b> One (1) for each employee in the largest working shift, plus one (1) for each fifteen (15) animals within the board capacity of the building; or one (1) for each four hundred fifty (450) square feet of gross floor area, whichever is greater.	<i>No change recommended.</i>	<i>Agrees with Planning Commission recommendation.</i>	<i>No change recommended.</i>
<b>40.21.53 Building Materials/Garden Supplies</b> <i>(Suggested by Planning Consultant)</i>	<i>No change recommended.</i>	<u>One (1) for each eight hundred (800) square feet of floor area.</u>	<i>No change recommended.</i>
<b>40.21.71 Business and Professional Offices except as otherwise provided in this article.</b> One (1) for each two hundred (200) square feet of usable floor area as provided for in 04.20.63..	<i>Add "Banks and financial institutions" to use classification, eliminate existing standard for "Banks and financial institutions"</i>	<i>Agrees with Planning Commission recommendation.</i>	<i>No change recommended.</i>
<b>40.21.73 Medical and Dental Offices and similar professions</b> One (1) for each one hundred (100) square feet of usable floor space as provided in Section 04.20.63.	<i>No change recommended.</i>	<i>Agrees with Planning Commission recommendation.</i>	<i>No change recommended.</i>
<b>40.21.74 Offices of Engineers, Architects and Landscape Architects (with drafting)</b> One (1) for each one hundred twenty five (125) square feet of usable floor area as provided for in 04.20.63.	<i>No change recommended.</i>	One (1) for each <del>two hundred (200) one hundred twenty five (125)</del> square feet of usable floor area as provided for in 04.20.63.	<i>No change recommended.</i>
<b>40.21.75 Banks and other Financial Institutions</b> One (1) for each one hundred (100) square feet of usable floor area within the customer service/teller area, and one (1) for each two hundred square feet of usable floor area within other office areas.	<i>See "Business and professional offices", Section 40.21.71 above.</i>	<i>Agrees with Planning Commission recommendation.</i>	<i>No change recommended.</i>

# OFF-STREET PARKING SPACE EVALUATION

## CITY OF TROY ZONING ORDINANCE

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<b>40.21.76 Financial Institution Drive-up Facilities</b> Five (5) stacking spaces shall be provided for each drive-up station.	<i>No change recommended.</i>	<i>Agrees with Planning Commission recommendation.</i>	<i>No change recommended.</i>
<b>40.21.81 General Industrial</b> One (1) for every four hundred fifty (450) square feet of gross floor area. When the amount of office area exceeds 25% of the gross floor area, the parking requirement for such office area shall be determined in accordance with the applicable portions of Section 40.21.70. The parking requirement for the remainder of the building shall be one (1) space for every five hundred and fifty (550) square feet of gross floor area.	<i>No change recommended.</i>	One (1) for every four hundred fifty (450) square feet of gross floor area. <del>When the amount of office area exceeds 25% of the gross floor area, the parking requirement for such office area shall be determined in accordance with the applicable portions of Section 40.21.70. The parking requirement for the remainder of the building shall be one (1) space for every five hundred and fifty (550) square feet of gross floor area dedicated to industrial use. The parking requirements for all office areas shall be determined in accordance with the applicable portions of Section 40.21.70.</del>	<i>No change recommended.</i>
<b>40.21.82 Wholesale or Warehouse Facilities</b> Five (5), plus one (1) for every one (1) employee in the largest working shift, or one (1) for every seventeen hundred (1,700) square feet of gross floor space, whichever is greater. In addition, designated unimproved space must be provided on the site, in the event of a change of use.	<i>No change recommended.</i>	Five (5), plus one (1) for every one (1) employee in the largest working shift, or one (1) for every seventeen hundred (1,700) square feet of gross floor space, whichever is greater. <del>In addition, designated unimproved space must be provided on the site, in the event of a change of use.</del>	<i>No change recommended.</i>
<b>40.21.83 Mini-warehouse or Self-Storage Establishments</b> One (1) space for each seventeen hundred (1700) square feet of gross floor area.	<i>No change recommended.</i>	<del>One (1) space for each seventeen hundred (1700) square feet of gross floor area.</del> One (1) space for each one hundred (100) storage units, plus one (1) for each employee, with a minimum of five (5) parking spaces.	<i>No change recommended.</i>

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<b>40.20.02</b>	Off-street parking for uses in all Zoning Districts, with the exception of M-1 Districts, shall be on the same lot as the use or building served by the parking, or on an abutting lot. Ownership, or extent of property control acceptable to the Chief Building Inspector, shall be shown for all lots or parcels intended for use as parking by the applicant.	Off-street parking for uses in all Zoning Districts, <del>with the exception of M-1 Districts,</del> shall be on the same lot as the use or building served by the parking, <del>or on an abutting lot.</del> Ownership, or extent of property control acceptable to the Chief Building Inspector, shall be shown for all lots or parcels intended for use as parking by the applicant, <u>unless joint parking with abutting properties and uses is provided in a form acceptable to the City Attorney and executed and recorded by the parties sharing the parking.</u>	Off-street parking for uses in all Zoning Districts, <del>with the exception of M-1 Districts,</del> shall be on the same lot as the use or building served by the parking, <del>or on an abutting lot.</del> Ownership, or extent of property control acceptable to the Chief Building Inspector, shall be shown for all lots or parcels intended for use as parking by the applicant, <u>unless joint parking with abutting properties and uses is provided, in accordance with Section 40.20.07.</u>	<i>Planning Commission recommendation.</i>
<b>40.20.04</b>	Any area once designated as required off-street parking shall never be changed to any other use unless and until equal facilities are provided elsewhere.	Any area once designated as required off-street parking shall never be changed to any other use unless and until equal facilities are provided elsewhere, <u>or unless that use conforms to paragraph 40.20.13.</u>	<i>Planning Consultant agrees with recommendation.</i>	<i>No change recommended.</i>
<b>40.20.05</b>	Off-street parking existing at the effective date of Ordinance 23, in connection with the operation of an existing building or use shall not be reduced to an amount less than hereinafter required for a similar new building or new use.	<u>Existing</u> off-street parking <del>existing at the effective date of Ordinance 23,</del> in connection with the operation of an existing building or use shall not be reduced to an amount less than hereinafter required for a similar new building or new use.	<i>Planning Consultant did not comment on this provision.</i>	<i>No change recommended.</i>

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<b>40.20.07</b> In the instance of dual function of off-street parking spaces where operating hours of buildings do not overlap, the Board of Appeals may grant an exception.	<u>The sharing of joint parking areas between adjacent properties and uses shall be permitted.</u> In the instance of dual function of off-street parking spaces where operating hours of buildings do not overlap, joint parking may be approved as part of Site Plan Approval <del>the Board of Appeals may grant an exception.</del> <u>A joint parking agreement shall be provided in a form acceptable to the City Attorney and executed and recorded by the parties sharing the parking.</u>	<u>The sharing of joint parking areas between adjacent properties and uses shall be permitted, with the exception of parcels that are separated by a major thoroughfare as identified on the City of Troy Transportation Plan.</u> In the instance of dual function of off-street parking spaces where operating hours of buildings do not overlap, joint parking may be approved as part of Site Plan Approval <del>the Board of Appeals may grant an exception.</del> <u>A joint parking agreement shall be provided in a form acceptable to the City Attorney and executed and recorded by the parties sharing the parking.</u>	<i>Planning Consultant recommendation.</i>
<b>40.20.11</b> <i>(This section does not presently exist)</i>	<u>Off-street parking areas shall be designed to provide for the removal and storage of snow.</u>	<i>Planning Consultant agrees with recommendation.</i>	<i>No change recommended.</i>



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40.20.12 (This section does not presently exist)	<p>Agrees with Planning Consultant. In addition add the following:</p> <p>G. <u>For applications that require the development of new parking spaces under Section 40.20.01, such landbanked parking shall be approved by the Planning Commission as a condition of site plan approval.</u></p> <p>H. <u>Approvals for the voluntary landbanking of existing underutilized parking spaces shall be granted by the Planning Commission.</u></p>	<p><u>The city recognizes that, due to the specific requirements of any given development, application of the parking standards may result in development with parking in excess of what is needed. The result may lead to excessive paving and stormwater runoff and reduction of area which would be left as open space. Accordingly, the Planning Commission may, in the reasonable exercise of discretion, permit deviations and allow less parking upon a finding that such deviations are likely to provide a sufficient number of parking spaces to accommodate the specific characteristics of the use in question. Such finding shall take into consideration the following standards and shall be based upon specific facts and information provided by the applicant, and such other information the Planning Commission shall determine relevant:</u></p> <p>A. <u>Nature of use. The nature of the particular use or combination of uses (as the case may be), relying upon accepted planning principles with regard to the anticipation of parking demand.</u></p>	<p><i>Planning Commission recommendation.</i></p>

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40.20.13 (CONT.)		<p>B. <u>Allocation of square footage.</u> The allocation of square footage to and among uses, including the anticipation of long term parking (e.g. grocery or movie theater uses), short term parking (e.g. dry cleaners), and/or the absence of parking for some portion of the use (e.g. drive-through use).</p> <p>C. <u>Impact.</u></p> <p>(1) The reasonably anticipated circumstance in the event there is excess parking demand where the number of parking spaces available and/or the likelihood that parking would occur on major thoroughfares or within residential neighborhoods.</p>	

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		<p>(2)      <u>The need for and benefit of additional open space or landscaped areas on the area, which would not be feasible if the full number of required spaces were improved in the face of an apparent lack of need for all such spaces, taking into consideration accepted planning principles.</u></p> <p><u>D. Other specific reasons which are identified in the official minutes of the Planning Commission.</u></p>	

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		<p><u>The Planning Commission may attach conditions to the approval of a deviation from off-street parking requirements that bind such approval to the specific use in question.</u></p> <p><u>The Planning Commission may permit landbanked parking with the provision of a landscaped area. Twenty five (25) percent of the total required parking spaces may be landbanked, subject to the following conditions and findings:</u></p> <p><u>A. The minimum number of parking spaces required by Section 40.21.01 is forty (40) spaces or greater.</u></p> <p><u>B. The proposed landscaped area is arranged and designed so that the subject parking spaces can be installed at a later date if the need arises.</u></p>	

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October 3, 2003

USE AND PARKING SPACE STANDARD	RECOMMENDED FOR APPROVAL BY PLANNING COMMISSION	PLANNING CONSULTANT RECOMMENDATION	DRAFT CITY MANAGEMENT RECOMMENDATION
		<p><u>C.</u> The owner agrees to install such landbanked parking, up to the minimum required by Section 40.21.01, at the request of the City of Troy.</p> <p><u>D.</u> The consequent reduction in off-street parking provided will not impair the functioning of the subject development or have a negative effect on traffic flow on and/or adjacent to the site.</p> <p><u>E.</u> The improvements within the subject landscaped landbanked parking area shall be in accordance with the requirements of Section 39.20.00, Land Use Buffers and Landscaping, of this Chapter.</p>	

OFF-STREET PARKING SPACE EVALUATION  
CITY OF TROY ZONING ORDINANCE

Prepared by the City of Troy Planning Department

October 3, 2003

USE AND PARKING SPACE STANDARD	RECOMMENDED FOR APPROVAL BY PLANNING COMMISSION	PLANNING CONSULTANT RECOMMENDATION	DRAFT CITY MANAGEMENT RECOMMENDATION
		F. <u>The landscaped landbanked parking area thus provided shall be in addition to any landscaped areas required by other provisions of this Chapter.</u>	

# PROPOSED ZONING ORDINANCE TEXT AMENDMENT

## (ZOTA 198)

### General Provisions – Parking Requirements – Planning Commission Version

Amend the indicated portions of the General Provisions Parking Requirements text in the following manner:

*(Underlining, except for major section titles, denotes changes.)*

40.00.00      ARTICLE XL                      GENERAL PROVISIONS

40.20.00      PARKING REQUIREMENTS:

40.20.02      Off-street parking for uses in all Zoning Districts, ~~with the exception of M-1 Districts,~~ shall be on the same lot as the use or building served by the parking, ~~or on an abutting lot. Ownership, or extent of property control acceptable to the Chief Building Inspector, shall be shown for all lots or parcels intended for use as parking by the applicant, unless joint parking with abutting properties and uses is provided in a form acceptable to the City Attorney and executed and recorded by the parties sharing the parking.~~

(Rev. 7-11-94)

40.20.04      Any area once designated as required off-street parking shall never be changed to any other use unless and until equal facilities are provided elsewhere, or unless that use conforms to paragraph 40.20.13.

40.20.05      Existing off-street parking ~~existing at the effective date of Ordinance 23,~~ in connection with the operation of an existing building or use shall not be reduced to an amount less than hereinafter required for a similar new building or new use.

40.20.07      The sharing of joint parking areas between adjacent properties and uses shall be permitted. In the instance of dual function of off-street parking spaces where operating hours of buildings do not overlap, joint parking may be approved as part of Site Plan Approval the Board of Appeals may grant an exception. A joint parking agreement shall be provided in a form acceptable to the City Attorney and executed and recorded by the parties sharing the parking.

40.20.11      Off-street parking areas shall be designed to provide for removal and storage of snow.

40.20.12      The city recognizes that, due to the specific requirements of any given development, inflexible application of the parking standards may result in development with parking in excess of what is needed. The result may lead to excessive paving and stormwater runoff and reduction of area which would be left as open space. Accordingly, the Planning Commission may, in the reasonable exercise of discretion, permit deviations and allow less parking upon a finding that such deviations are likely to provide a sufficient number of parking spaces to accommodate the specific characteristics of the use in question. Such finding shall take into consideration the following standards and shall be

based upon specific facts and information provided by the applicant, and such other information the Planning Commission shall determine relevant:

- A. Nature of use. The nature of the particular use or combination of uses (as the case may be), relying upon accepted planning principles with regard to the anticipation of parking demand.
- B. Allocation of square footage. The allocation of square footage to and among uses, including the anticipation of long term parking (e.g. grocery or movie theater uses), short term parking (e.g. dry cleaners), and/or the absence of parking for some portion of the use (e.g. drive-through use).
- C. Impact.
  - (1) The reasonably anticipated circumstance in the event there is excess parking demand where the number of parking spaces available and/or the likelihood that parking would occur on major thoroughfares or within residential neighborhoods.
  - (2) The need for and benefit of additional open space or landscaped areas on the area, which would not be feasible if the full number of required spaces were improved in the face of an apparent lack of need for all such spaces, taking into consideration accepted planning principles.
- D. Other specific reasons which are identified in the official minutes of the Planning Commission. The Planning Commission may attach conditions to the approval of a deviation from off-street parking requirements that bind such approval to the specific use in question.

40.20.13 The Planning Commission may permit landbanked parking with the provision of a landscaped area. Twenty five (25) percent of the total required parking spaces may be landbanked, subject to the following conditions and findings:

- A. The minimum number of parking spaces required by Section 40.21.01 is forty (40) spaces or greater.
- B. The proposed landscaped area is arranged and designed so that the subject parking spaces can be installed at a later date if the need arises.
- C. The owner agrees to install such landbanked parking, up to the minimum required by Section 40.21.01, at the request of the City of Troy.
- D. The consequent reduction in off-street parking provided will not impair the functioning of the subject development or have a negative effect on traffic flow on and/or adjacent to the site.
- E. The improvements within the subject landscaped landbanked parking area shall be in accordance with the requirements of Section 39.20.00, Land Use Buffers and Landscaping, of this Chapter.



- F.     The landscaped landbanked parking area thus provided shall be in addition to any landscaped areas required by other provisions of this Chapter.
- G.     For applications that require the development of new parking spaces under Section 40.20.01, such landbanked parking shall be approved by the Planning Commission as a condition of site plan approval.
- H.     Approvals for the voluntary landbanking of existing underutilized parking spaces shall be granted by the Planning Commission.

<u>USE</u>	<u>PARKING SPACES REQUIRED PER UNIT OF MEASURE</u>
40.21.12     One Family Attached	Two (2) for each dwelling unit, <u>plus one (1) space per six (6) required spaces for guest parking.</u>
40.21.13     One Family Cluster	Two (2) for each dwelling unit, <u>plus one (1) space per six (6) required spaces for guest parking.</u>
40.21.14     Two Family	Two (2) for each dwelling unit, <u>plus one (1) space per six (6) required spaces for guest parking.</u>
40.21.15     Multiple Family	Two (2) for each dwelling unit, <u>plus one (1) space per six (6) required spaces for guest parking.</u>
40.21.16     Senior Citizen Housing	<u>One (1) 0.65 for each unit, and one (1) for each one (1) employee on the largest working shift.</u> Should the units revert to general occupancy, then two (2) spaces per unit shall be provided.
40.21.17     Convalescent Homes	One (1) for each <del>two (2)</del> <u>three (3) beds plus one (1) per employee on the largest working shift.</u>
40.21.18     Mobile Home Park	Two (2) for each mobile home site and one (1) for each employee of the mobile home park, <u>plus one (1) for each six (6) required spaces for guest parking.</u>
40.21.22     Hospital	<del>Three (3) for each one (1) bed.</del> <u>Two (2) per bed plus one (1) per emergency room or outpatient examination table or bed plus one (1) per worker on the largest working shift plus one (1) per hospital vehicle.</u>

40.21.23	Nursery Schools and Child Care Centers	One (1) for each one (1) teacher, employee or administrator and one (1) for each <del>ten</del> <u>(4) five (5)</u> students or children cared for.
40.21.24	Elementary Schools	One (1) for each one (1) teacher, employee or administrator, <u>plus one (1) for each ten (10) students or children cared for,</u> in addition to the requirements of the auditorium or multi-purpose room.
40.21.25	Middle or Junior High Schools	One (1) for each one (1) teacher, employee or administrator, <u>plus one (1) for each ten (10) students or children cared for,</u> in addition to the requirements of the auditorium or multi-purpose room.
40.21.26	Senior High School	One (1) for each one (1) teacher, employee or administrator and one (1) for each ten (10) students, in addition to the requirements of the auditorium, <u>stadium, sports arena or place of assembly, whichever is greater.</u>
40.21.27	Adult Foster Care Facility	<del>Two (2)</del> <u>One (1) per four (4) residents</u> plus one (1) for each employee <u>on the largest working shift.</u>
40.21.34	Commercial Recreation Facilities	One (1) for each three (3) persons allowed within the maximum occupancy load as established by local, county or state fire, building or health codes.
	-- Or --	
	One or more of the following; whichever is greater	
	E) Bowling Alley	Five (5) for each one (1) bowling lane, <u>plus requirements for accessory uses.</u>
	F) Golf Courses Open to the public	Six (6) for each one (1) golf hole and one (1) for each one (1) employee, <u>plus requirements for accessory uses.</u>
40.21.35	Lecture Facilities (Without fixed seats), <u>Auditoriums and Theaters.</u>	One (1) for each two (2) seats and one (1) for each one (1) employee.

40.21.36	Auditoriums and for Theaters	One (1) for each two (2) seats and one (1) <del>each one (1) employee.</del>
40.21.71	Business and Professional Offices, <u>including banks and financial institutions,</u> except as otherwise provided in this article.	One (1) for each two hundred (200) square square feet of usable floor area, as indicated in Section 04.20.63
40.21.75	<del>Banks and other Financial Institutions</del>	<del>One (1) for each one hundred (100) square feet of usable floor area within the customer service/teller area, and one (1) for each two hundred square feet of usable floor area within other office areas.</del>

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# PROPOSED ZONING ORDINANCE TEXT AMENDMENT

(ZOTA 198)

## General Provisions – Parking Requirements – City Management Version

Amend the indicated portions of the General Provisions Parking Requirements text in the following manner:

*(Underlining, except for major section titles, denotes changes.)*

40.00.00      ARTICLE XL                      GENERAL PROVISIONS

40.20.00      PARKING REQUIREMENTS:

40.20.02      Off-street parking for uses in all Zoning Districts, ~~with the exception of M-1 Districts,~~ shall be on the same lot as the use or building served by the parking, ~~or on an abutting lot. Ownership, or extent of property control acceptable to the Chief Building Inspector, shall be shown for all lots or parcels intended for use as parking by the applicant, unless joint parking with abutting properties and uses is provided in a form acceptable to the City Attorney and executed and recorded by the parties sharing the parking.~~

(Rev. 7-11-94)

40.20.04      Any area once designated as required off-street parking shall never be changed to any other use unless and until equal facilities are provided elsewhere, or unless that use conforms to paragraph 40.20.13.

40.20.05      Existing off-street parking ~~existing at the effective date of Ordinance 23,~~ in connection with the operation of an existing building or use shall not be reduced to an amount less than hereinafter required for a similar new building or new use.

40.20.07      The sharing of joint parking areas between adjacent properties and uses shall be permitted. In the instance of dual function of off-street parking spaces where operating hours of buildings do not overlap, joint parking may be approved as part of Site Plan Approval the Board of Appeals may grant an exception. A joint parking agreement shall be provided in a form acceptable to the City Attorney and executed and recorded by the parties sharing the parking.

40.20.11      Off-street parking areas shall be designed to provide for removal and storage of snow.

40.20.12      The city recognizes that, due to the specific requirements of any given development, inflexible application of the parking standards may result in development with parking in excess of what is needed. The result may lead to excessive paving and stormwater runoff and reduction of area which would be left as open space. Accordingly, the Planning Commission may, in the reasonable exercise of discretion, permit deviations and allow less parking upon a finding that such deviations are likely to provide a sufficient number of parking spaces to accommodate the specific characteristics of the use in question. Such finding shall take into consideration the following standards and shall be

based upon specific facts and information provided by the applicant, and such other information the Planning Commission shall determine relevant:

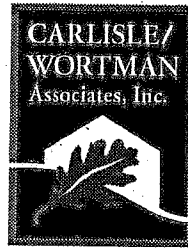
- A. Nature of use. The nature of the particular use or combination of uses (as the case may be), relying upon accepted planning principles with regard to the anticipation of parking demand.
- B. Allocation of square footage. The allocation of square footage to and among uses, including the anticipation of long term parking (e.g. grocery or movie theater uses), short term parking (e.g. dry cleaners), and/or the absence of parking for some portion of the use (e.g. drive-through use).
- C. Impact.
  - (1) The reasonably anticipated circumstance in the event there is excess parking demand where the number of parking spaces available and/or the likelihood that parking would occur on major thoroughfares or within residential neighborhoods.
  - (2) The need for and benefit of additional open space or landscaped areas on the area, which would not be feasible if the full number of required spaces were improved in the face of an apparent lack of need for all such spaces, taking into consideration accepted planning principles.
- D. Other specific reasons which are identified in the official minutes of the Planning Commission. The Planning Commission may attach conditions to the approval of a deviation from off-street parking requirements that bind such approval to the specific use in question.

40.20.13 The Planning Commission may permit landbanked parking with the provision of a landscaped area. Twenty five (25) percent of the total required parking spaces may be landbanked, subject to the following conditions and findings:

- A. The minimum number of parking spaces required by Section 40.21.01 is forty (40) spaces or greater.
- B. The proposed landscaped area is arranged and designed so that the subject parking spaces can be installed at a later date if the need arises.
- C. The owner agrees to install such landbanked parking, up to the minimum required by Section 40.21.01, at the request of the City of Troy.
- D. The consequent reduction in off-street parking provided will not impair the functioning of the subject development or have a negative effect on traffic flow on and/or adjacent to the site.
- E. The improvements within the subject landscaped landbanked parking area shall be in accordance with the requirements of Section 39.20.00, Land Use Buffers and Landscaping, of this Chapter.

- F.     The landscaped landbanked parking area thus provided shall be in addition to any landscaped areas required by other provisions of this Chapter.
- G.     For applications that require the development of new parking spaces under Section 40.20.01, such landbanked parking shall be approved by the Planning Commission as a condition of site plan approval.
- H.     Approvals for the voluntary landbanking of existing underutilized parking spaces shall be granted by the Planning Commission.

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Community Planners  
Landscape Architects

REC'D

JAN 29 2003

PLANNING DEPT.


MEMORANDUM

**TO:** Mark Miller, Planning Director  
**FROM:** Richard K. Carlisle  
**DATE:** January 24, 2003  
**RE:** Review of Planning Commission Off-Street Parking Recommendations

In response to the request of the City Manager, I have had an opportunity to review the recommendations of the Planning Commission regarding Off-Street Parking requirements. This is the first of two reports. Due to the time constraint, I will finish my analysis with a review and recommendations of Off-Street Parking not covered by the Planning Commission's work.

In the course of preparing my analysis, I have drawn on a number of sources in addition to my own experience. The Institute of Transportation Engineers (ITE) publishes a parking generation manual, similar to the trip generation manual. We have also consulted a publication entitled "Off-Street Parking Requirements" (American Planning Association) which, although dated, also provides useful information."

I look forward to further discussions with you, the Planning Commission, and City Staff.

  
**CARLISLE/WORTMAN ASSOC., INC.**  
Richard K. Carlisle, PCP, AICP

RKC:ss

# 225-05-2301

cc: John Szerlag, City Manager  
Planning Commission

## Review of Planning Commission Recommendations

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**Section 40.20.02** – Planning Commission recommends eliminating this subsection.

Carlisle/Wortman Associates believes there are values in retaining this Section in a modified form, particularly in light of proposed revisions to Section 40.20.07 and addition to new Section 40.20.13.

*Suggested language:*

**40.20.02** Off-street parking for uses in all Zoning Districts, ~~with the exception of M-1 Districts, shall be on the same lot as the use or building served by the parking, or on an abutting lot. Ownership, or extent of property control acceptable to the Chief Building Inspector, shall be shown for all lots or parcels intended for use as parking by the applicant. , unless joint parking with abutting properties and uses is provided, in accordance with in Section 40.20.07.~~

**Section 40.20.04** - Carlisle/Wortman Associates agrees with additional language proposed by the Chair.

**Section 40.20.07** – Planning Commission recommends that the consideration of joint parking be a matter of site plan review. We believe this recommendation is both reasonable and appropriate. Parking is related to the overall functioning of a site and can affect other site elements (i.e., loading, access, etc.). However, Carlisle/Wortman Associates recommends joint parking agreements be reviewed and approved by the City Attorney's office. We have incorporated our recommendations below.

*Suggested language:*

**40.20.07** The sharing of joint parking areas between adjacent properties and uses shall be permitted. In the instance of dual function of off-street parking spaces where operating hours of buildings do not overlap, joint parking may be approved as part of Site Plan Approval the Board of Appeals may grant an exception. A joint parking agreement shall be provided in a form acceptable to the City Attorney and executed by the parties sharing the parking.

**Section 40.20.11** – Carlisle/Wortman Associates agrees with Planning Commission recommendation. While the requirement may seem a bit stringent, the new Section 40.20.13 would permit modification where no good purpose would be served. The only minor suggestion we may have is to strike the word “strategically.” The balance of the sentence is sufficient to get the point across.



**Section 40.20.12** – Carlisle/Wortman Associates agrees this is both a reasonable and necessary addition.

**Section 40.20.13** – Planning Commission recommends a landbanking provision. Carlisle/Wortman Associates is very much in favor of this idea. Landbanking usually occurs because off-street parking requirements do not adequately reflect the specific characteristics of a use. The result is too much parking and pavement, more runoff, and less green space.

Carlisle/Wortman Associates suggests additional language is needed to better explain the intent and purpose of permitting such flexibility.

*Suggested language:*

**40.20.13** The City recognizes that, due to the specific requirements of any given development, inflexible application of the parking standards may result in development with parking in excess of what which is needed. The result may lead to excessive paving and stormwater runoff and the reduction of space which would be left as open space. Accordingly, the Planning Commission may, in the reasonable exercise of discretion, permit deviations and allow less parking upon a finding that such deviations are likely to provide a sufficient number of parking spaces to accommodate the specific characteristics of the use in question. Such finding shall take into consideration the following standards and shall be based upon specific facts and information provided by the applicant, and such other information the Planning Commission shall determine relevant:

A. *Nature of use.* The nature of the particular use or combination of uses (as the case may be), relying upon accepted planning principles with regard to the anticipation of parking demand.

B. *Allocation of square footage.* The allocation of square footage to and among uses, including the anticipation of long term parking (e.g., grocery or movie theater uses), short-term parking (e.g., dry-cleaner use), and/or the absence of parking for some portion of the use (e.g., drive-through use).

C. *Impact.*

(1) The reasonably anticipated circumstance in the event there is excess parking demand where the number of parking spaces available and/or the likelihood that parking would occur on major thoroughfares or within residential neighborhoods.

(2) The need for and benefit of additional open space or landscaped areas on the area, which would not be feasible if the full number of required spaces were improved in the face of an apparent lack of need for all of such spaces, taking into consideration accepted planning principles.

D. Other specific reasons which are identified in the official minutes of the Planning Commission.

The Planning Commission may attach conditions to the approval of a deviation from off-street parking requirements that bind such approval to the specific use in question.

The Planning Commission may permit landbanked parking with the provision of a landscaped area. No more than twenty-five (25) percent of the total parking required parking spaces may be landbanked, subject to the following conditions and findings:

- A. The minimum number parking spaces required by Section 40.21.01 is forty (40) spaces or greater.
- B. The proposed landscaped area is arranged and designed so that the subject parking spaces can be installed at a later date if the need arises.
- C. The owner agrees to install such landbanked parking, up to the minimum required by Section 40.21.01, at the request of the City of Troy.
- D. The consequent reduction in off-street parking provided will not impair the functioning of the subject development or have a negative effect on traffic flow on and/or adjacent to the site.
- E. The improvements within the subject landscaped landbanked parking area shall be in accordance with the requirements of Section 39.20.00 of this Chapter.
- F. The landscaped landbanked parking area thus provided shall be in addition to the required by the other provisions of this Chapter.

**Section 40.21.14** – The Chair has suggested adding a new Section. With modifications to 40.20.07 and 40.20.13, we do not believe this new Section is needed.

**Section 40.21.15 Multiple Family** - Carlisle/Wortman Associates agrees. Planning Commission recommendation is consistent with other communities and will provide for sufficient guest parking.

**Section 40.21.16 Senior Citizen Housing** - Carlisle/Wortman Associates agrees with Planning Commission recommendation.

**Section 40.21.17 Convalescent Homes** - Carlisle/Wortman Associates agrees with Planning Commission recommendation. Proposal agreement is consistent with ITE studies.

**Section 40.21.18 Mobile Home Park** - Carlisle/Wortman Associates agrees with Planning Commission recommendation, but would caution that any standard more stringent than the State Mobile Home Code requires approval from the Michigan Manufactured Housing Commission. Proposed standard is more stringent.

**Section 40.21.22 Hospitals** - The Planning Commission recommendation is too complex. Furthermore, it has been our experience that the dynamics of hospitals are such that the number of exam rooms, tables, employees and vehicles can be constantly changing. We also believe the Planning Commission recommendations would result in an excessive amount of parking.

Carlisle/Wortman Associates recommends a more simple formula based on beds and employees.

*Suggested language:*

Two (2) per bed plus one (1) per employee on the largest working shift.

**Section 40.21.23 Nursery Schools and Child Care Centers** - Carlisle/Wortman Associates agrees with Planning Commission recommendation. Proposed amendment is a standard we have consistently used elsewhere and it seems to work.

**Section 40.21.24 Elementary Schools** - Carlisle/Wortman Associates agrees with a portion of the Planning Commission recommendations. Adding the requirement for spaces per student is appropriate but retaining the requirement for parking for the auditorium or multi-purpose room will result in an excessive amount of parking. Typically, these facilities are used during school hours for a school function. We also believe that phrases "children cared for" needs clarification. We assume this is intended for in-school day care.

*CWA Suggested language:*

**40.21.21 Elementary Schools**

One (1) for each one (1) teacher, employee or administrator, plus one (1) for each ten (10) students or children cared for, in addition to the requirements of the auditorium or multi-purpose room. enrolled in an in-school day care program.

**Section 40.21.25 Middle or Junior High Schools** - Same comments as above.

*CWA Suggested language:*

**40.21.25 Middle or Junior High School**

One (1) for each one (1) teacher, employee or administrator, plus one (1) for each ten (10) students or children cared for, in addition to the requirements of the auditorium or multi-purpose room, enrolled in an in-school day care program.

**Section 40.21.26 Senior High Schools** – Carlisle/Wortman Associates comments are basically the same; although, we believe the space per student should be more stringent. It appears that by their junior year, the majority of students drive to school.

*CWA Suggested language:*

**40.21.26 Senior High Schools**

One (1) for each one (1) teacher, employee or administrator, plus one (1) for each ~~ten (10)~~ five (5) students ~~in addition to the requirements of the auditorium, stadium, sports area or place of assembly.~~

**Section 40.21.27 Adult Foster Care Facility** – Carlisle/Wortman Associates agrees with Planning Commission recommendations.

**Section 40.21.34 Commercial Recreation Facilities** – Carlisle/Wortman Associates would recommend clarification of what constitutes “accessory uses.” Within bowling alleys and golf courses, restaurants and taverns\* generate additional parking demand. Frequently, such facilities attract patrons that are neither bowling nor golfing. Therefore, such uses cease to be accessory.

*CWA Suggested language:*

**40.21.34 Commercial Recreation Facilities**

One (1) for each three (3) person allowed within the maximum occupancy load as established by local, county or state fire, building or health codes.

**- Or -**

*\* We will be recommending a standard for taverns, bars and lounges.*

One or more of the following; whichever is greater.

E) Bowling Alley

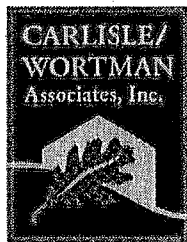
Five (5) for each one (1) bowling lane, plus requirements for ~~aecessory~~—uses any restaurant, use in accordance with Section 40.21.31.

F) Golf Course/Open to Public

Six (6) for each one (1) golf hole and one (1) for each one (1) employee, plus requirements for ~~aecessory~~—uses any restaurant, use in accordance with Section 40.21.31.

**Section 40.21.35 Lecture Facilities, et. al.** – Carlisle/Wortman Associates agrees with consolidating language.

**Section 40.21.71 Business and Professional Offices including Banks and Financial Institutions** – Carlisle/Wortman Associates aggress with proposed Planning Commission language.



REC'D

FEB 24 2003

PLANNING DEPT.

Community Planners Landscape Architects  
605 S. Main, Suite 1 Ann Arbor, MI 48104 734-662-2200 fax 734-662-1935

**MEMORANDUM**

**TO:** Mark Miller, Planning Director  
**FROM:** Richard K. Carlisle  
**DATE:** February 21, 2003  
**RE:** Recommendations for Off-Street Parking Standards

Attached please find a review and recommendations of Off-Street Parking. This is the second of two reports, and is an analysis of the parking standards not covered in the earlier review by the Planning Commission and myself.

Just as was done with the first report, we have employed a number of sources of information in addition to my own experience. The Institute of Transportation Engineers' (ITE) parking generation manual, "Off-Street Parking Requirements" (American Planning Association), "Dollars and Cents of Shopping Centers" (Urban Land Institute & the International Council of Shopping Centers (ICSC)), and similar.

Based on this information, many of the existing parking standards are appropriate in scale and nature. For categories with recommended amendments, we have indicated our reasoning for such.

I look forward to further discussions with you, the Planning Commission, and City Staff.

CARLISLE/WORTMAN ASSOCIATES, INC.

Richard K. Carlisle, PCP

RKC:jk

# 225-05-2301

cc: John Szerlag, City Manager  
Planning Commission

## **Recommendations for Additional Parking Standard Revisions**

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### **Section 40.21.20 INSTITUTIONAL**

**Section 40.21.21 Religious Worship Facilities** – *The existing language is consistent with the standards or intent of many other communities.*

One (1) for each three (3) seats or six (6) feet of bench seating in the main unit of worship.

[Also See Section 10.30.04 (G)]

~~10.30.04 (G). Whenever facilities such as community halls, fellowship or social halls, recreation facilities and other similar uses are proposed as incidental to the principal church or worship facility use, such secondary facilities shall not be constructed or occupied in advance of the sanctuary or principal worship area of the church complex.~~

~~1. The seating capacity of such incidental use areas shall not exceed that of the sanctuary or principal worship area of the church complex.~~

~~2. Parking shall be provided for such incidental use areas at one half (1/2) the rate of that required for the sanctuary or principal worship area, and shall be in addition to the parking required for the principal worship area.~~

~~3. Such incidental facilities must be used for church, worship, or religious education purposes, in a manner which is consistent with residential zoning and compatible with adjacent residential property. They shall not be used, leased or rented for commercial purposes.~~

~~4. Active indoor recreation facilities, such as gymnasiums, shall be located at least eighty (80) feet from any residentially zoned land, other than that which is developed or committed for uses other than the construction of residential dwellings.~~

### **Section 40.21.30 PLACES OF ASSEMBLY**

**Section 40.21.31 Restaurants** – *CWA recommends variation to the existing Dining and Banquet Room standards, basing employee parking on the largest shift. With these changes the categories are the same, and therefore are recommended to be combined. We recommend adding a fast food category; the current category is a little confusing. In addition, CWA recommends providing standards for bars and similar uses. With these additions, definitions of such should be added in the Definition section of the ordinance.*

A) Dining Room / Banquet Room

One (1) for each two (2) persons within the seating capacity of the establishment, plus one (1) for each employee on the largest shift employee parking space for each ten (10) seats within the seating capacity or one (1) for each thirty-five (35) square feet of dining area, whichever is greater.

B) Banquet Room

One (1) for each two (2) persons within the seating capacity of the establishment, plus one (1) employee parking space for each ten (10) seats within the seating capacity or one (1) for each twenty (20) square feet of banquet area, whichever is greater.

BC) Fast Food Restaurants Restaurant Drive-Up Facilities

One (1) for each two (2) persons within the seating capacity of the establishment, plus one (1) for each employee on the largest shift, plus nine (9) stacking spaces shall be provided for each drive-up station.

C) Bars, Taverns or Nightclubs

One (1) for each two (2) persons allowed within maximum occupancy as established by local, county or state fire, building or health codes.

**Section 40.21.32 Business Schools, Colleges and Trade Schools** – *The current standard encourages a large amount of land devoted to parking, higher than any other standards that we have seen elsewhere. It is unlikely that a use as such will be at full capacity at any time due to class scheduling, empty classrooms, etc. In addition, it is likely that each student will drive to the facility. Therefore, CWA recommends reducing the number of spaces required for each student, and adding a separate standard for each room to provide parking for school staff.*

~~One (1) for each one (1) student~~ One (1) for each two (2) students allowed within the maximum occupancy load as established by local, county or state fire, building or health codes, plus two (2) spaces for each classroom, laboratory or instruction area.

**Section 40.21.33 Martial Arts and Dance Schools** – *No change recommended.*

One (1) for each three (3) students allowed within the maximum occupancy load as established by local, county or state fire, building or health codes.

**Section 40.21.34 Commercial Recreation Facilities** – *Some of the second and more specific standards of this category are excessive. For example, Court Type Recreation requires eight spaces per tennis court at this time. However, many of these courts would likely be used by a maximum of two people at one time. Therefore, CWA recommends reducing this standard to a more reasonable level, and adding employee parking standards. Similar standards have been added to Health, Fitness and Athletic Clubs for the same reasons. In addition, because many of these facilities may have accessory restaurants, we have added notation for standards of such.*



One (1) for each three (3) persons allowed within the maximum occupancy load as established by local, county or state fire, building or health codes.

- Or -

One or more of the following; whichever is greater

- A) Court Type Recreation  
Two (2) One (1) for each two (2) persons permitted by the capacity of the courts, plus one (1) for each employee on the largest shift, plus requirements for any restaurant use in accordance with Section 40.21.31.
- B) Health, Fitness and Athletic Clubs  
One (1) for each two (2) persons allowed within the maximum occupancy load as established by local, county or state fire, building or health codes ~~fifty (50) square feet of exercise area, including swimming facilities, plus requirements for any restaurant use in accordance with Section 40.21.31.~~
- C) Private (Non-profit) Recreation Clubs (Residential Districts)  
One (1) for each two (2) member families and/or individual members, unless otherwise provided in this chapter.
- D) Stadium, Sports Arena  
One (1) for each three (3) seats or six (6) feet of bench seating.

**Section 40.21.36 Auditoriums and Theaters** – *(PREVIOUSLY COMBINED WITH 40.21.35)*

**Section 40.21.37 Lodge Halls, Social Clubs and Fraternal Organizations** – *No change recommended.*

One (1) for each three (3) persons allowed within the maximum occupancy load as established by local, county or state fire, building or health codes. In those areas used for dining room or banquet room purposes, the parking requirements for such use areas shall apply.

**Section 40.21.40 GENERAL COMMERCIAL**

**Section 40.21.41 Retail Store (unless listed below)** – *No change recommended.*

One (1) for each two hundred (200) square feet of gross floor area.

**Section 40.21.42 Shopping Center** – *The current shopping center guidelines are hard to follow, and may be slightly excessive in nature. To resolve the latter issue, we recommend reducing the minimum standard to 200 square feet. The trend of providing more parking than is necessary for shopping centers is a significant concern, due to the large amounts of pavement (and stormwater runoff) that are a result. Therefore we recommend adding a maximum standard to ensure that provided parking is within reason. In conjunction with this, the opportunity for shared parking has been cited, which could also limit the amount of parking (and paved surfaces) necessitated by the use.*

*To alleviate concerns of the confusing aspects of the language, we recommend removing the table and percentage limits of places of assembly. We do not believe that limiting the percentages of gross floor area and available parking for places of assembly is necessary for shopping centers, and just results in a more confusing standard for developers and the Planning Commission. In its place, we recommend adding language that requires all places of assembly to be subject to the applicable standards of such (as found in Section 40.21.30).*

A minimum of ~~One~~ (1) per ~~170~~ two hundred (200) square feet of gross floor area, including mall area, service areas and mechanical areas, as measured from the outside face of the exterior walls, not to exceed a maximum of one (1) per one hundred twenty-five (125) square feet of gross floor area.

*When shopping centers have "Places of Assembly" (as defined in Section 04.20.124), the parking for such uses shall be in accordance with Section 40.21.30. ~~the extent of such uses shall be limited by the following table. The "Maximum Percent of Available Parking" to be used for "Places of Assembly" shall be determined in accordance with their individual requirements as provided in the Sections headed by Section 40.21.30.~~*

<b><u>Places of Assembly</u></b>		
<b><u>Maximum size of center (G.F.A.) in sq. ft.</u></b>	<b><u>Maximum percent of gross floor area</u></b>	<b><u>Maximum percent of available parking</u></b>
50,000	15%	50%
100,000	25%	50%
100,000+	20%	40%

*Parking for "Places of Assembly" areas exceeding the maximum percent of gross floor area or the maximum percent of available parking indicated above shall be provided in addition to the parking required for the total shopping center.*

**Section 40.21.43 Automobile Service Station** – *Because most service stations are now constructed with areas of retail, CWA recommends adding standards for retail within the service station text. The language proposed is consistent with similar standards used in other communities for service station/convenience store uses.*

Two (2) for each lubrication stall, rack, or pit, and one (1) for each gasoline pump unit, and one (1) per one hundred (100) sq. ft. of floor area devoted to retail sales and customer service.

**Section 40.21.44 Automobile Car Wash** – *Because there are two distinct types of car washes, CWA recommends creation of two separate standards. Standards for car washes in which drivers stay in their car, Automatic, is similar to existing language. A provision of providing spaces for vacuum stations has been added. The second category, Self-Service, provides standards for washes in which drivers must exit their vehicles and wash them on their own.*

A) Automatic

One (1) for each ~~one (1)~~ employee on the largest shift and one (1) for each vacuum station. In addition, a stacking lane shall be provided at the rate of five (5) cars for each twenty (20) feet of wash line.

B) Self-Service

One (1) within each wash stall, one (1) for each vacuum station and one (1) per each employee on the largest shift. In addition, one (1) stacking space per each wash stall shall be provided.

**Section 40.21.45 Automobile Sales and Service** – *Recommended changes for this category are minimal, adding only a required space for service vehicles.*

One (1) for each two hundred (200) square feet of sales area, one (1) for each ~~one (1)~~ auto service stall in the service area and one (1) for each service vehicle.

**Section 40.21.46 Hair and Beauty Salons including Nail Salons** – *We believe that the current standard is more confusing than it has to be. Therefore, CWA recommends simplifying it to two spaces per chair.*

~~Three (3) for each of the first two (2) chairs and one and one-half (1 1/2) spaces for each additional chair.~~ Two (2) for each chair.

**Section 40.21.47 Furniture, Appliance and Service Trades** - *Recommended changes are minimal, striking unnecessary text and adding that employee parking will be based on largest shift.*

One (1) for each one thousand (1,000) square feet of gross Showroom and Sales floor area, plus one (1) for each ~~one (1)~~ employee on the largest shift.

**Section 40.21.48** – *The parking category for this section is either missing or has been removed.*

**Section 40.21.49 Laundromats** – *No changes recommended.*

One (1) for each two (2) washing machines.

**Section 40.21.50 Commercial Lodging Establishments** – *CWA recommends eliminating the final portion of text due to its confusing nature. In its place, clarifying language for uses that are more than accessory in nature (restaurants, banquet rooms, etc.) has been added. This is similar to the clarifying language added to Commercial Recreation Facilities (Section 40.21.34) of the previously discussed parking amendments.*

One for each ~~one (1)~~ occupancy unit plus one (1) for each ~~one~~ employee on the largest shift. In addition parking shall be provided for restaurants, banquet rooms and bars, meeting rooms, conference rooms, ~~banquet rooms~~ and other similar assembly hall facilities, in accordance with the standards of Section 40.21.30. ~~in order to accommodate that portion of the seating capacity of such facilities which exceeds the number of occupancy units within the establishment.~~

**Section 40.21.51 Mortuary Establishments** – *CWA recommends adding space requirements for any vehicles that may be used by the facility.*

One (1) for each fifty (50) square feet of assembly room and visitation parlor area, plus one (1) space for each vehicle maintained on the premises.

**Section 40.21.52 Commercial Kennels** – *No changes are recommended.*

One (1) for each employee in the largest working shift, plus one (1) for each fifteen (15) animals within the board capacity of the building; or one (1) for each four hundred fifty (450) square feet of gross floor area, whichever is greater.

**Section 40.21.53 Building Materials / Garden Supplies** – *CWA recommends adding standards for this category. Without such, the general retail category (Section 40.21.41) would apply. Because that category is too excessive for such uses, specific language is necessary.*

One (1) for each eight hundred (800) square feet of floor area.

#### **Section 40.21.70 OFFICES**

**Section 40.21.73 Medical, Dental and similar professions** – *No changes are recommended.*

One (1) for each one hundred (100) square feet of usable floor space as provided in Section 04.20.63.

**Section 40.21.74 Offices of Engineers, Architects and Landscape Architects (with drafting)**

*We believe the current square footage requirements are too stringent. Reducing the standard to a base of 200 square feet is consistent with similar requirements of other communities.*

One (1) for each two hundred (200) ~~one hundred twenty five (125)~~ square feet of usable floor area as provided in section 04.20.63.

**Section 40.21.80 INDUSTRIAL**

**Section 40.21.81 General Industrial** – *We believe this category is also confusing and can be simplified. Therefore, we recommend eliminating the majority of the text. The resulting language would separate industrial and office uses, noting that parking for all office areas would be based on the office category of the ordinance.*

One (1) for every ~~four hundred fifty (450)~~ square feet of gross floor area. When the amount of office area exceeds 25% of the gross floor area, the parking requirement for such office area shall be determined in accordance with the applicable portions of Section 40.21.70. The parking requirement for the remainder of the building shall be one (1) space for every five hundred and fifty (550) square feet of gross floor area dedicated to industrial use. The parking requirements for all office areas shall be determined in accordance with the applicable portions of Section 40.21.70.

**Section 40.21.82 Wholesale or Warehouse Facilities**– *CWA recommends eliminating the final sentence, which requires areas reserved for parking of future industrial uses. Requiring such is inappropriate as it limits the use of the existing facility, penalizing such on the basis that the wholesale or warehouse facility may fail.*

Five (5), plus one (1) for every one (1) employee in the largest working shift; or one (1) for every seventeen hundred (1,700) square feet of gross floor space, whichever is greater. ~~In addition, designated unimproved space must be provided on the site to enable compliance with Section 40.21.81, in the event of a change of use.~~

**Section 40.21.83 Mini-Warehouse or Self Storage Establishments** – *We believe that the current standard is excessive. The proposed revisions are based on the common practice to base standards on the number of storage units and employees. A minimum space requirement ensures that at least five spaces are provided.*

~~One (1) space for each seventeen hundred (1,700) square feet of gross floor area.~~ One (1) space for each one hundred (100) storage units, plus one (1) for each employee, with a minimum of five (5) parking spaces.

13. PUBLIC HEARING – ZONING ORDINANCE TEXT AMENDMENT (ZOTA-198) – Article 40.20.00 Parking Requirements

Mr. Savidant summarized the intent of the proposed revisions to the parking requirements zoning ordinance text.

PUBLIC HEARING OPENED

No one was present to speak.

PUBLIC HEARING CLOSED

**Resolution**

Moved by Kramer

Seconded by Schultz

**RESOLVED**, that the Planning Commission hereby recommends to the City Council that ARTICLE XI (GENERAL PROVISIONS), Section 40.20.00 (PARKING REQUIREMENTS) of the Zoning Ordinance, be amended as printed on the Planning Commission recommended amendment, dated 04/17/03:

Yeas

Kramer  
Littman  
Pennington  
Schultz  
Waller  
Wright

Nays

Vleck

Absent

Chamberlain  
Storrs

**MOTION CARRIED**

Mr. Vleck indicated he is not in favor of the motion because the text contains references to the “largest working shift” which he thinks is too dynamic of a standard and makes the ordinance unenforceable. Since the largest working shift is based on a tenant that is unknown, the criteria would arrive at a fictitious number.

8. ORDINANCE REVISION DISCUSSION – Parking Requirements – Article 40.20.00 (ZOTA #198)

The Commission thoroughly reviewed section by section the proposed ordinance text for off-street parking requirements.

The Planning Department documented all suggested revisions, and it was the consensus of the Commission that the revisions be implemented and that a glossary of terms be incorporated.

5. PUBLIC HEARING - ZONING ORDINANCE TEXT AMENDMENT (ZOTA-198) – Article 40.20.00 Parking Requirements *(This item was tabled to the March 11, 2003 Regular Meeting; however at the February 25, 2003 Special/Study Meeting, it was agreed to discuss this item at the March 25, 2003 Special/Study Meeting)*

Mr. Miller reported that the Zoning Ordinance Text Amendment relating to Parking Requirements was tabled to today's meeting; however at the February 25, 2003 Special/Study Meeting, the Commission agreed to discuss the matter in greater detail at the March 25, 2003 Special/Study Meeting. Mr. Miller suggested that the Commission pass a resolution to table the item to the March 25, 2003 Special/Study Meeting for discussion.

Mr. Storrs asked if the Planning Department would have consolidated comments prepared for the March 25<sup>th</sup> meeting.

Mr. Miller responded in the affirmative.

Chairman Littman confirmed that the Public Hearing would remain open.

**Resolution**

Moved by Storrs

Seconded by Wright

**RESOLVED**, that the Planning Commission hereby continues the Public Hearing, for the amendment of Article 40.20.00, Parking Requirements of the Zoning Ordinance, to the April 8, 2003 Regular Planning Commission Meeting.

**FURTHER**, that the Planning Commission will discuss the proposed amendment of Article 40.20.00 at the March 25, 2003 and April 1, 2003 Special/Study Planning Commission Meetings.

Yeas

All present (7)

Absent

Pennington  
Schultz

**MOTION CARRIED**



9. ORDINANCE REVISION DISCUSSION – Off Street Parking Requirements (ZOTA #198)

Mr. Miller reported that a new public hearing notice package should be assembled prior to reconvening the public hearing. He stated that the Planning Department would review both of the Planning Consultant's memoranda and report its findings to the Commission.

Mr. Miller said that the proposed text amendments would ultimately provide more flexibility and authority to the Planning Commission. Mr. Miller stated that in general the Planning Department agrees with the Planning Consultant's review. Mr. Miller cited one particular issue needed review by the Planning Commission, and that is the "largest working shift" standard. This criterion is used by many communities, and asked for the Commission's input. Mr. Miller proposed that the Planning Department create a matrix incorporating the current text, proposed text amendments recommended by the Planning Consultant, and proposed text amendments recommended by the Planning Department, if different from the Planning Consultant's recommendation. Mr. Miller indicated that he could have the proposed text amendment matrix completed for the March 25, 2003 Special/Study Meeting.

Chairman Littman solicited comments on the "largest working shift" criterion.

Mr. Vleck does not see how the "largest working shift" criterion can be enforced because it is so dynamic and will change so often.

Mr. Kramer agrees with the comments of Mr. Miller's relating to the flexibility that will be provided to the Commission and Mr. Vleck's comments on the enforceability of such a criterion, but Mr. Kramer believes the word measurability should be added. He said that in order for something to be enforced, it must be measured; and he questioned the measurability of the "largest working shift". Mr. Kramer suggested that an asterisk be added to the definition of "number of beds" to display the Commission's definition, not the State's definition.

Mr. Wright said that he agrees with all the comments made so far, especially with the enforceability of the "largest working shift" criterion. Mr. Wright said that if a developer comes in with an office plan, generally the parking far exceeds the City's requirements.

Mr. Wright referenced the office research development on Crooks Road, north of Long Lake. He noted the Commission at the time had no intention of putting any freestanding structures in there; but as time went on, the Commission agreed to rezone to allow retail uses and restaurants to service the nearby officer workers. Mr. Wright said it was a great experiment for the City, noting that parking within the complex is quite interesting during lunch hours where parking spaces are nowhere to be seen and many vehicles end up parking illegally.

Mr. Schultz noted that the parking lots are again full during the evening hours when the University of Phoenix classes are in session.

Mr. Schultz agreed that the "largest working shift" criterion would be very difficult to enforce. Mr. Schultz also stated that he has concerns with respect to hospital parking and suggested it be given serious consideration.

Mr. Vleck suggested that higher parking standards be created that would allow petitioners to landbank parking spaces, noting that a mechanism should be in place to address any issues that may arise in the future.

It was agreed that the proposed off street parking text amendments would be ready for review and discussion at the March 25, 2003 Special/Study Session and a tentative date for the public hearing would be the April or May regular meeting.

7. PUBLIC HEARING – ZONING ORDINANCE TEXT AMENDMENT (ZOTA-198) – Article 40.20.00 Parking Requirements

Mr. Savidant presented a summary of this item. He stated that the Planning Commission spent the last couple of years working on amendments to the off-street parking provisions and the public hearing tonight is a result of the fruits of the Planning Commission's labor. Mr. Savidant reported that the Planning Department has had available to the public copies of the proposed text amendments.

In summary, Mr. Savidant explained that the Planning Commission's intent is to reduce the amount of paved parking spaces in the City, in addition to tweaking existing standards. Mr. Savidant said that Dick Carlisle, the City's Planning Consultant, has reviewed the proposed draft amendments and generally agrees with the Planning Commission's recommendations. The Planning Department is expecting to receive a report from the Planning Consultant that encompasses an overall review of the entire off-street parking section of the zoning ordinance.

Mr. Miller confirmed that the Planning Consultant's overall review report on the Off-Street Parking Section of the zoning ordinance has not been received from the Planning Consultant. He confirmed that none of the Planning Consultant's suggestions have been incorporated into the public hearing notice because the public hearing notice had to be mailed over three weeks ago.

Mr. Miller spoke with respect to parking issues related to hospitals. He stated that the Planning Consultant's opinion is that the Planning Commission's recommendations for parking related to hospitals is too complex, and recommends it be based on a bed/employee formula.

Mr. Chamberlain asked if the Planning Department has received any public response resulting from the public hearing notice.

Mr. Miller responded that the Planning Department has received no response from the public. He noted that he sent an e-mail message to the Chamber of Commerce soliciting their response. Ted Wilson, Chairman of the Economic Development Committee, briefly discussed the matter with Mr. Miller, but Mr. Wilson did not want to express any specific public comment.

Mr. Savidant commented that the one modification to be made to the proposed text amendments is the landbanking provisions for grandfathering under section 40.20.13.

Mr. Vleck questioned what type of standards are used when determining the "largest working shift", and asked if it would be a dynamic requirement every time a company changes the amount of its employees, or if a tenant moves out of the building.

Mr. Miller responded that the "largest working shift" requirement would be very difficult to monitor and enforce.

Mr. Savidant commented that the "largest working shift" requirement is a more reality based standard in that it is based on people and not square footage, noting that it is a commonly used standard.

Mr. Vleck stated that his view is that it is more of a non-reality standard, citing the proposed Sterling Corporate Center PUD where the number of tenants is unknown and an estimate is provided.

Discussion followed with respect to hospital parking relating to inpatient and outpatient bed count and the variation of traffic generation.

Mr. Kramer stated that historically an overnight hospital stay counts as a bed. He stated that a definition of "bed" needs to be determined before any changes are made to the text ordinance relating to parking.

Mr. Chamberlain stated that a hospital would fix its own parking problems should they occur and reminded the Commission the intent of revising the ordinance text is to get rid of asphalt. He said that if the City demands a hospital to construct acreage of asphalt for parking and it's not used, then the City continues to look at asphalt. Mr. Chamberlain recommended the Commission go back into a study session for further review.

Mr. Kramer responded that nowadays all a hospital does is raise its parking garage rates and hospital visitors try to find parking elsewhere [referenced the City of Sterling Heights], noting this increases the parking problem.

Mr. Chamberlain noted for public comment that Troy Beaumont Hospital no longer charges to park in their parking deck.

#### PUBLIC HEARING OPENED

No one was present to speak.

#### ***Resolution***

Moved by Vleck

Seconded by Chamberlain

***RESOLVED***, that this item be tabled to the March 11, 2003 Regular Meeting.

#### Yeas

All present (9)

**MOTION CARRIED**

Chairman Littman announced that the Public Hearing will remain open until the March 11 Regular Meeting.

7. ORDINANCE REVISION DISCUSSION – OFF STREET PARKING REQUIREMENTS (ZOTA #198)

Mr. Miller noted that the Public Hearing for the proposed text amendment revisions to the City off-street parking requirements is scheduled for February 11. The actual public hearing notice was enclosed in the Commission's meeting packet.

Mr. Miller noted that the Planning Consultant's text review was received last Friday after the Commission's meeting packets were delivered. Mr. Miller suggested that the review could be discussed at the next Special/Study Meeting, and a complete review of the text could be done prior to the public hearing.

Discussion followed with respect to the proposed changes and the format of the text amendment.

It was decided to use more friendly-user text so that it is easily understood. Further, it was decided to not discuss the proposed revisions at the next Special/Study Meeting, but to wait for a complete review prior to the February 11 public hearing.

Mr. Kramer commented that he is not in agreement with the Planning Consultant with respect to hospital parking.

Chairman Littman mentioned the Somerset South parking deck matter wherein the City required more parking resulting in a lawsuit, with the plaintiff claiming it was a "taking". Chairman Littman asked the Assistant City Attorney to review this matter and apprise the Commission of her findings.

9. ORDINANCE REVISION DISCUSSION – OFF STREET PARKING REQUIREMENTS (ZOTA #198)

A short discussion followed with respect to the appropriate language for the grandfather clause to be incorporated in the proposed text amendment for off-street parking requirements. It was agreed that a reference to Ordinance 23 is not necessary and that Ms. Lancaster and Mr. Miller will draft the appropriate legal language prior to the public hearing.

6. ORDINANCE REVISION DISCUSSION – OFF STREET PARKING REQUIREMENTS\_(ZOTA 198)

Mr. Savidant stated that the amendment language to the off-street parking section was discussed at the November 5 Planning Commission Study Session and it was suggested at this meeting that the text was ready for a Public Hearing. He stated that the Planning Department is prepared to schedule a Public Hearing, but at this time the Planning Department, City Attorney and staff have concerns with the proposed text amendments: (1) Increasing the off-street parking requirements for specific uses could have the affect of creating non-conforming off-street parking areas that could negatively impact the value of property and limit the use of existing properties. (2) Staff is not aware of any specific parking problems in the City that would necessitate amendments to the existing parking standards. (3) It is the opinion of the Planning Department, City Attorney and staff that in the best interest of public health, safety and welfare to hold off until there is more study given to the standards.

A brief discussion followed.

Mr. Chamberlain stated that he reviewed the comments incorporated in the memo one by one. He confirmed that the intent of the Commission is to reduce the amount of asphalt throughout the City and return it to green space. He asked that legal language be drafted with respect to allowing parking lots to be reduced in size and grandfathering them in. Mr. Chamberlain would like to see a Public Hearing scheduled in January.

Mr. Chamberlain asked the members if they were in favor of taking this matter before Council now and if they agree that the Commission should be represented at the Council meeting.

Mr. Waller voiced his support to go forward. He questioned which direction the study would take if it were to continue as staff is requesting.

Mr. Vleck agreed that the matter should go to Council. He suggested that a more scientific study could be conducted to see results of current ordinances in different areas.

Ms. Pennington agreed to go forward because of the land banking benefit.

Mr. Storrs agreed there were no major changes to the ordinance and would like to go forward with the land banking.

Mr. Kramer feels that the ordinance was tweaked well and agreed to go forward with the land banking. Mr. Kramer further stated that he would like to see the approval process to change asphalt to green space handled administratively.



Mr. Starr agreed that land banking is a big item and to go forward to Council.

Mr. Littman agreed to go to Council. He stated that the legal language for grandfathering will need some work.

Mr. Chamberlain stated that from this point forward, if a recommendation of City staff is different from a Planning Commission's recommendation, both Planning Commission and City staff positions would be provided to Council.

Ms. Lancaster advised the Commission that in terms of ethics, no Board member should go before another Board if he/she has a personal interest in the matter. She suggested that the representative party be prepared with a written position from its Board and to answer questions as a representative of the Board, not as an individual.

Mr. Chamberlain said: "If you have not caught the undercurrents going on around in the last six months, I will remind you of everything the Commission previously worked on that has not come to fruition. When was the last time you heard anything about retention ponds since we quit talking about them because City staff said they were going to make a whole new development standard. We have never seen anything since then. They had their last draft and you are not hearing about that anymore. Guys like me have a long memory. I do not think that the City staff and us are...when I say City staff, I am not including Brent Savidant and Mark Miller. They are kind of caught up because they are sitting here having to deal with us and deal with the other side. So I keep them out of that fight. But we have some real problems and going forward, Sue talks about ethics, and us going in front of City Council. The staff goes in and gives their position on our issues and the Planning Commission is not allowed to do that. There ain't no ethics involved there. The ethics are we should be there first trying to influence what we want to do; not have someone else influence us why we do not want to do something. That's where I come from on this. Again, we are citizens of Troy. We have a right to petition. What we want is this thing to go forward as is, with a couple of additions. I want to see those additions at our study meeting, ready to go before Council to have a public hearing on this thing. Unfortunately, it will be right after the first of the year. I would like to meet with Mr. Littman, Mr. Savidant, Mr. Miller and Ms. Lancaster and go over everything before the Planning Commission's formal study meeting so we at least agree what's coming forth."

4. ORDINANCE REVISION DISCUSSION – OFF STREET PARKING REQUIREMENTS (ZOTA 198)

Mr. Miller presented a chart which compared parking standards for the City of Troy and three other cities. Two of these cities were edge cities (Farmington Hills and Schaumburg, IL) and the other was Rochester Hills. This chart will serve as a basis for updating the current parking standards.

The concept of landbanking was discussed. It was generally agreed that the concept should be further discussed in the future, particularly as related to larger uses.

Mr. Kramer suggested that grass pavers would be a suitable option, particularly for overflow parking areas or parking that is needed a few times per year.

## 8. PARKING REQUIREMENTS

The Planning Commission will continue discussion of the Section 40.20.00 Parking Requirements of the Zoning Ordinance.

### **40.20.00 Parking Requirements – Add a Preamble**

The City of Troy encourages dual usage between neighbors during off hours and, therefore, this is how this standard was built.

### **40.21.35 – Lecture Facilities & 40.21.36 – Auditoriums and Theaters & 40.21.37 – Lodge Halls, Social Clubs, and Fraternal Organizations**

Combine **40.21.35**, **40.21.36**, and **40.21.37** to:

**40.21.35** – Lecture Facilities, Auditoriums and Theaters, Lodge Halls, Social Clubs, and Fraternal Organizations

Add Land Banking for all uses – 25%

### **40.21.40 – RETAIL COMMERCIAL**

All Retail Commercial – Land Banking at 25%, **excluding 40.21.43 & 40.21.44**

40.21.41 – Retail Store

40.21.42 – Shopping Center

**40.21.43 – Automobile Service Station (excluded from Land Banking)**

**40.21.44 – Automobile Car Wash (excluded from Land Banking)**

40.21.45 – Automobile Sales

40.21.46 – Hair & Beauty Salons including Nail Salons

40.21.47 – Furniture, Appliance, and Service Trades

40.21.49 – Laundromats

40.21.50 – Commercial Lodging Establishments

40.21.51 – Mortuary Establishments

40.21.52 – Commercial Kennels

### **40.21.70 – OFFICES**

All Offices – Land Banking at 25%

**40.21.71** – Business and Professional Offices except as otherwise provided in this article

**Combine 40.21.75 – Banks and other Financial Institutions with 40.21.71**

**40.21.74** – Delete Offices of Engineers, Architects and Landscape Architects (with drafting) – Change to: **40.21.74 Research / Office**

**40.21.75** – Banks and other Financial Institutions

**Move 40.21.75 in combination with 40.21.71**

**40.21. 76** – Financial Institution

Move to **40.21.75**

**40.21.76** – Will be blank

**40.21.80 – INDUSTRIAL**

All Industrial – Land Banking at 25%

## 5. PARKING REQUIREMENTS

Mr. Miller stated that this a comprehensive review of the Zoning Ordinance parking requirements. We should put together information and comparisons regarding off street parking requirements. It would be good to list different community requirements. The Planning Department ordered a few books on how to provide parking at shopping centers and offices. We need some technical evidence if we are going to change the existing requirements.

### 40.21.11 One Family Detached – Two (2) for each dwelling unit

Mr. Miller stated that parking spaces cannot be stacked for required spaces.

Mr. Wright stated that parking places can't be in front of the garage for some situations in Troy. Like the resident in Troy who has turned his garage into a family room. Technically, in that ordinance, that is not legal.

Mr. Chamberlain asked how do we enforce something like that.

Ms. Lancaster stated you can always take court action and ask the judge to resolve it.

Mr. Chamberlain asked how do you find out what's going on.

Ms. Lancaster stated that usually it is just through neighbors reporting it.

Mr. Miller stated if cars are parked in a stacked fashion, one would not be able to pull in or out.

No changes.

### 4021.12 – One Family Attached – Two (2) for each dwelling unit

Mr. Miller stated you have to be careful with condominiums. Parking is provided throughout the development. There is a 28 foot road standard and there could be on street parking; however, on-street parking is very rare. There should be a standard to provide accessible parking for guests.

Bob Schultz stated that community associations or condominium associations could provide some information regarding parking. It is clearly inadequate. Are there any standards in the City right now.

Mr. Miller stated two (2) per unit.

Planning Commission concluded that guest parking should be considered.

4021.13 – One Family Cluster – Two (2) for each dwelling unit

Concept is same as for 40.21.12

4021.14 – Two Family – Two (2) for each dwelling unit

Concept is same as for 40.21.12

4021.15 – Multiple Family – Two (2) for each dwelling unit

Concept is same as for 40.21.12

Need to address storing of snow, and visitor parking for 4021.12, 4021.13, 4021.14, 4021.15.

4021.16 – Senior Citizen Housing – 0.65 for each unit, and one (1) for each one (1) employee. Should the units revert to general occupancy, then two (2) spaces per unit shall be provided

Mr. Chamberlain stated that an aerial should be done for Oakland Towers. This one needs to be reviewed thoroughly. Planning Department double check with site inspections.

4021.17 – Convalescent Homes – One (1) for each two beds

Mr. Chamberlain this one needs to be reviewed thoroughly. Just because some communities have something totally different from us, we still need to put our own special thoughts into it.

4021.18 – Mobile Home Park – Two (2) for each mobile home site and one (1) for each employee of the mobile home park

Mr. Miller stated guest parking could be a problem.

4021.21 – Religious Worship Facilities – One (1) for each three (3) seats or six (6) feet of bench seating in the main unit of worship

Mr. Chamberlain stated everyone should look around on Sundays to get an idea. See if we can reduce some of the requirements.

Mr. Miller stated there are some optional and creative ways to figure out some of the parking issues.

Mr. Chamberlain stated he would like to see some creative ways of parking with more green space. Let's look at the rebuilding cycle.

#### 4021.22 – Hospital – Three for each one (1) bed

Mr. Wright stated problem with 3 for 1 bed facility like Beaumont is mostly outpatients. There is a need for as many parking requirements for outpatients as well as inpatient.

Mr. Chamberlain stated we need to get a handle on this hospital parking.

Mr. Littman stated that health, safety, and welfare is our problem.

Mr. Kramer stated we should call those people in from the medical offices and the hospital and let them help with finding a solution. We should add parking spaces for hospital, plus office, plus outpatient.

#### 4021.23 – Nursery Schools and Child Care Centers – One (1) for each one (1) teacher, employee or administrator and one (1) for each ten (10) students or children cared for

Planning Commission concluded this should be reviewed and circle drives should be utilized for morning and evenings drop-offs and pick-ups.

#### 4021.24 – Elementary Schools – One (1) for each one (1) teacher, employee or administrator in addition to the requirements of the auditorium or multi-purpose room

The Planning Commission's consensus was that there is never enough parking, and do not revise.

#### 4021.25 – Middle or Junior High Schools – One (1) for each one (1) teacher, employee or administrator in addition to the requirements of the auditorium or multi-purpose room

The Planning Commission's consensus was that there is never enough parking, and do not revise.

4021.26 – Senior High Schools – One (1) for each one (1) teacher, employee or administrator and one (1) for each ten (10) students, in addition to the requirements of the auditorium

The Planning Commission's consensus was that there is never enough parking, and do not revise.

4021.27 – Adult Foster Case Facility – Two (2) plus one (1) for each employee

The Planning Commission asked for a definition of adult foster care.



Paula P Bratto

---

**From:** Adam Kollin [kollin@rhk-tech.com]  
**Sent:** Monday, November 17, 2003 1:12 PM  
**To:** planning@ci.troy.mi.us  
**Subject:** New parking ordinance

To whom it may concern,

I received a notification of a proposed change in the parking requirements. Though I am zoned manufacturing and do not fall under this new regulation, I thought my comments may be of interest. Before moving my company to Troy (with about 35 employees and paying about \$18,000 annually in property and personal property tax in addition to moving my home to Troy), our company was located in Rochester Hills. We wanted to buy and expand the building we had been leasing for ten years in order to meet the needs of our growing business. However, the rigid city requirements on parking made the expansion uneconomical, so we moved to a building that already met our needs. The building that we moved from five years ago still sits vacant in Rochester Hills on Hamlin Road and is a real eyesore.

Our old building had a parking lot behind the building that was gravel and a gravel access road to it. In order to expand our building, the city wanted us to widen the access road to 25 feet, and pave it and build far more paved parking spaces than we would have needed. All this paving would have considerably decreased the amount of trees around the building (and require paying the city to cut down these trees) and required us to put in an underground drainage system, a detention pond to catch all of the water runoff that would not have been a problem without the newly required paving, and waterlines and multiple fire hydrants. There were also many new requirements that the city wanted to also pile on to bring us up to the latest code in every section of the city's building code. The cost to do this would have added several hundred thousand dollars to the cost of the expansion project, effectively killing the project. I was born and raised in Rochester, and I really wanted to stay there, but the city's actions prevented that. Rochester's loss was Troy's gain.

My point is that this is a competitive marketplace, and if Troy adds new and potentially expensive requirements, it will be a negative inducement to come into Troy, or to stay and expand here. There is a huge amount of empty industrial space in Troy, and added regulations will not help fill it up.

Sincerely,

Adam Kollin

Adam Kollin, President  
RHK Technology, Inc.  
1050 East Maple Road  
Troy, MI 48083 USA

<http://www.rhk-tech.com>  
[kollin@rhk-tech.com](mailto:kollin@rhk-tech.com)  
Tel: 248-577-5426  
Fax: 248-577-5433

cc: City Council

NOV. 19, 2003

TO MAYOR AND CITY COUNSEL MEMBERS

IN REGARD TO CHANGES IN OFF STREET  
PARKING REQUIREMENTS

I AM AGAINST ANY CHANGES.

1. REQUIRED PARKING NOW IS MORE THAN  
ADEQUATE.
2. WOULD REQUIRE COVERING UP ENVIRONMENTALLY  
FRIENDLY GROUND.
3. WOULD DEVALUE PROPERTY.
4. WOULD BE TOO RESTRICTIVE ON WHAT CAN  
BE BUILT ON PROPERTY
5. TAKES MORE OF PEOPLES RIGHTS AWAY.

CONCERNED CITY OF TROY PROPERTY OWNER.

Roy Rathke

REC'D

NOV 19 2003

PLANNING DEPT.

DATE: November 19, 2003

TO: The Honorable Mayor and City Council

FROM: John Szerlag, City Manager  
Gary A. Shripka, Assistant City Manager/Services  
Mark Stimac, Director of Building & Zoning

SUBJECT: Public Hearing  
Commercial Vehicle Appeal  
953 Bridge Park

On July 16, 2003, information was sent to Mr. Yong-Tao Sun that identified restrictions related to a commercial vehicle located on residential property. As part of that information, he was advised that the box truck parked on the property did not comply with the exceptions found in Chapter 39, Section 40.66.00. He was given the option to remove the vehicle or appeal to City Council for relief of the Ordinance.

In response to our letters, Mr. Sun has filed an appeal. The appeal requests that a public hearing date be held in accordance with the ordinance. A public hearing has been scheduled for your meeting of November 24, 2003.

The existing home on the site has a ground floor area of 2,201 square feet. The Zoning Ordinance would permit up to 1,100 square feet of accessory building on the site. However, with the position of the home on the lot, access to the rear of the site by a vehicle will be limited.

Should you have any questions or require additional information, kindly advise.

MS/pr

Attachments

COMMERCIAL VEHICLE  
APPEAL APPLICATION

RECEIVED

SEP 17 2003

BUILDING DEPARTMENT

Request is hereby made for permission to keep a commercial vehicle(s) as described below, on the following residential zoned site:

NAME: YONG-TAO, SUN

ADDRESS: 953 BRIDGE PARK

CITY: TROY MI. ZIP: 48098 PHONE: (248) 879-2226

ADDRESS OF SITE: SAME AS ABOVE

NUMBER OF VEHICLES: 1

VEHICLE IDENTIFICATION NUMBER(S)

1FTF52427VHA17138

LICENSE PLATE NUMBER(S) PAX 2377

DESCRIPTION OF VEHICLE(S) CARGO-STYLE VAN. - BOX + TRUCK

RECEIVED

OCT 13 2003

BUILDING DEPARTMENT

REASON FOR APPEAL (see A - D below) "D"

THE APPLICANT IS AWARE OF THE REQUIRED FINDINGS WHICH ARE STATED IN THE FOLLOWING:

44.02.01 ACTIONS TO GRANT APPEALS ... SHALL BE BASED UPON AT LEAST ONE OF THE FOLLOWING FINDINGS BY THE CITY COUNCIL:

- A. The occurrence of the subject commercial vehicle on the residential site involved is compelled by parties other than the owner or occupant of the subject residential site (e.g. employer).
- B. Efforts by the applicant have determined there are no reasonable or feasible alternative locations for parking of the subject commercial vehicle.
- C. A garage or accessory building on the subject site cannot accommodate, or cannot reasonably be constructed or modified to accommodate the subject commercial vehicle
- D. The location available on the residential site for the outdoor parking of the subject commercial vehicle is adequate to provide for such parking in a manner that will not negatively impact adjacent residential properties, and will not negatively impact pedestrian and vehicular movement along the frontage street(s).

COMMERCIAL VEHICLE APPEAL APPLICATION

40.02.2. The City Council may grant appeals in relation to the type, character or number of commercial vehicles to be parked outdoors in Residential Districts for an initial period not to exceed two (2) years, and may thereafter extend such actions for a similar period.

Supporting data, attached to the application, shall include: a plot plan, drawn to scale, a description and location of the vehicle(s) and a photo of the vehicle on-site..

Yangtze Sun  
(signature of applicant)

STATE OF MICHIGAN  
COUNTY OF Oakland

On this 16<sup>th</sup> day of September, 2003 before me personally appeared the above named person who depose and sayeth that he/she signed this application with full knowledge of its contents and that all matters stated therein are true.

[Signature]  
Notary Public,

Wayne County, Michigan acting in oakland

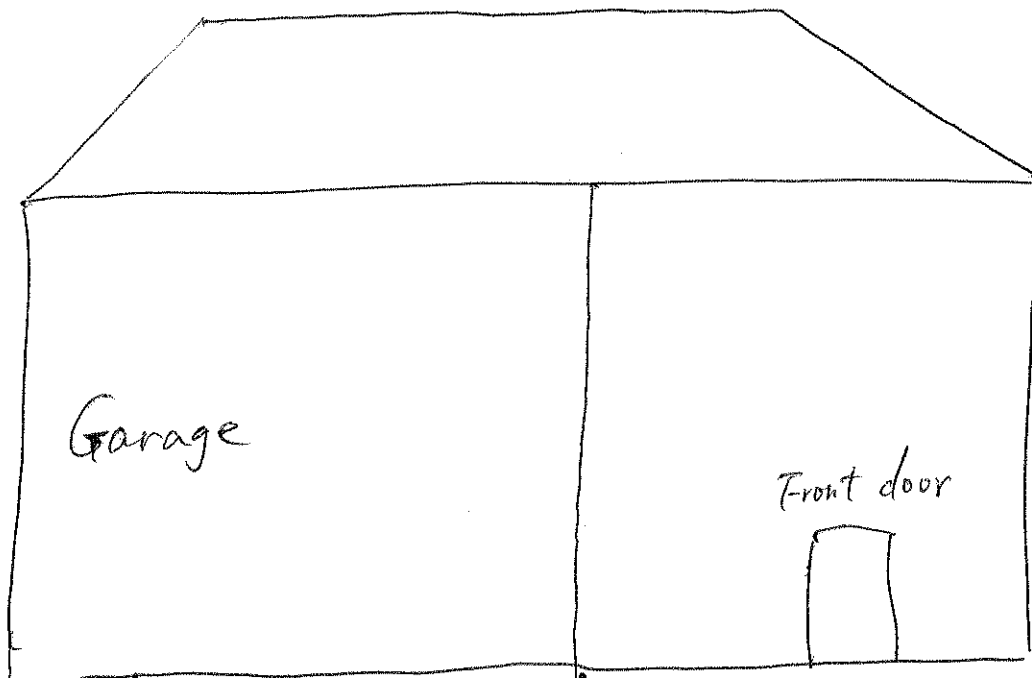
My Commission Expires: \_\_\_\_\_

MELODY D JOHNSON  
Notary Public, Wayne County, MI  
My Commission Expires Jun 9, 2005

RECEIVED  
OCT 13 2003  
BUILDING DEPARTMENT

453 Bridge Park Dr.

this situation occurred  
rarely.



Van or  
I need drive the truck  
home when my job-site  
is nearby. Maybe 5 to  
6 times per month.

L. J. Taylor Sr.

10/12/03

Road





Note: The information provided by this application has been compiled from recorded deeds, plats, tax maps, surveys, and other public records and data. It is not a legally recorded map survey. Users of this data are hereby notified that the source information represented should be consulted for verification.





RECEIVED

NOV 17 2003

TO: CITY COUNCIL

Please register my approval ☐ objection ☒ to the request described on the reverse side.

My reason for this approval ☐ objection ☒ is:

THIS IS A RESIDENTIAL NEIGHBORHOOD,  
THE ORDINANCE WAS DRAWN TO PROHIBIT  
STORAGE OF THIS COMMERCIAL VEHICLE.  
THERE CANNOT BE AN OVERWHELMING  
VALID PURPOSE IN PERMITTING THE  
EXCEPTION THAT WOULD OVERCOME THE  
IMPACT OF THE VEHICLE ON RESIDENTIAL  
PROPERTY. THE PROPERTY WHERE THE  
VEHICLE WOULD BE PARKED IS THREE  
LOTS FROM THE ENTRANCE TO THE  
SUBDIVISION

NAME:

MARTIN TAFT Linda Taft

ADDRESS OR PROPERTY DESCRIPTION

LOT #40 North Bridge Street  
885 Selby Dr.  
Troy MI 48068

RECEIVED

NOV 17 2003

TO: CITY COUNCIL

BUILDING DEPARTMENT

Please register my ☐ approval ☒ objection to the request described on the reverse side.

My reason for this ☐ approval ☒ objection is:

This is a subdivision, not a business complex. I don't mind ~~for~~ a temporary situation for a few days but on a permanent basis I would not like to have to see a commercial truck in the driveway of a home in my neighborhood. I feel this detracts from the neighborhood rather than adding to the character of the home.

NAME: Michelle Burke - Michelle Burke

ADDRESS OR PROPERTY DESCRIPTION 898 Bridge Park Dr.

DATE: November 19, 2003

TO: The Honorable Mayor and City Council

FROM: John Szerlag, City Manager  
Gary A. Shripka, Assistant City Manager/Services  
Mark Stimac, Director of Building & Zoning

SUBJECT: Public Hearing  
Commercial Vehicle Appeal  
3769 Meadowbrook

On September 10, 2003, information was sent to Mr. Mazin Nafsu that identified restrictions related to a commercial vehicle located on residential property. As part of that information, he was advised that the box truck parked on the property did not comply with the exceptions found in Chapter 39, Section 40.66.00. He was given the option to remove the vehicle or appeal to City Council for relief of the Ordinance.

In response to our letters, Mr. Nafsu has filed an appeal. The appeal requests that a public hearing date be held in accordance with the ordinance. A public hearing has been scheduled for your meeting of November 24, 2003.

The existing home at this location has a ground floor area of 1800 square feet. The Zoning Ordinance would permit up to 900 square feet of accessory building to be constructed on the site.

Should you have any questions or require additional information, kindly advise.

MS/pr

Attachments

**COMMERCIAL VEHICLE  
APPEAL APPLICATION**

Request is hereby made for permission to keep a commercial vehicle(s) as described below, on the following residential zoned site:

NAME: MAZIN NAFSU  
ADDRESS: 3769 MEADOW BROOK  
CITY: Troy 48237 MI. ZIP: Mich PHONE: 248-740-0630  
ADDRESS OF SITE: same  
NUMBER OF VEHICLES: 1

VEHICLE IDENTIFICATION NUMBER(S)

1FDSE35L62HB06869

LICENSE PLATE NUMBER(S) 8260 KX

DESCRIPTION OF VEHICLE(S) 12ft ~~18~~ ft PANEL TRUCK (WHITE)  
(cube truck)

REASON FOR APPEAL (see A - D below) It is Used for work - No  
Other TRANSPORTATION

**RECEIVED**  
OCT 13 2003  
BUILDING DEPARTMENT

THE APPLICANT IS AWARE OF THE REQUIRED FINDINGS WHICH ARE STATED IN THE FOLLOWING:

44.02.01 ACTIONS TO GRANT APPEALS ... SHALL BE BASED UPON AT LEAST ONE OF THE FOLLOWING FINDINGS BY THE CITY COUNCIL:

- A. The occurrence of the subject commercial vehicle on the residential site involved is compelled by parties other than the owner or occupant of the subject residential site (e.g. employer).
- B. Efforts by the applicant have determined there are no reasonable or feasible alternative locations for parking of the subject commercial vehicle.
- C. A garage or accessory building on the subject site cannot accommodate, or cannot reasonably be constructed or modified to accommodate the subject commercial vehicle
- D. The location available on the residential site for the outdoor parking of the subject commercial vehicle is adequate to provide for such parking in a manner that will not negatively impact adjacent residential properties, and will not negatively impact pedestrian and vehicular movement along the frontage street(s).

COMMERCIAL VEHICLE APPEAL APPLICATION

40.02.2. The City Council may grant appeals in relation to the type, character or number of commercial vehicles to be parked outdoors in Residential Districts for an initial period not to exceed two (2) years, and may thereafter extend such actions for a similar period.

Supporting data, attached to the application, shall include: a plot plan, drawn to scale, a description and location of the vehicle(s) and a photo of the vehicle on-site.

MAZIN JAFSA

MAZIN JAFSA  
(signature of applicant)

STATE OF MICHIGAN

COUNTY OF Oakland

On this 13<sup>th</sup> day of October 2003 before me personally appeared the above named person who depose and sayeth that he/she signed this application with full knowledge of its contents and that all matters stated therein are true.

Barbara A. Holmes Oakland  
Notary Public, County, Michigan

My Commission Expires: December 16, 2004

BARBARA A. HOLMES  
Notary Public, Oakland County, MI  
My Commission Expires December 16, 2004

RECEIVED

OCT 13 2003

BUILDING DEPARTMENT

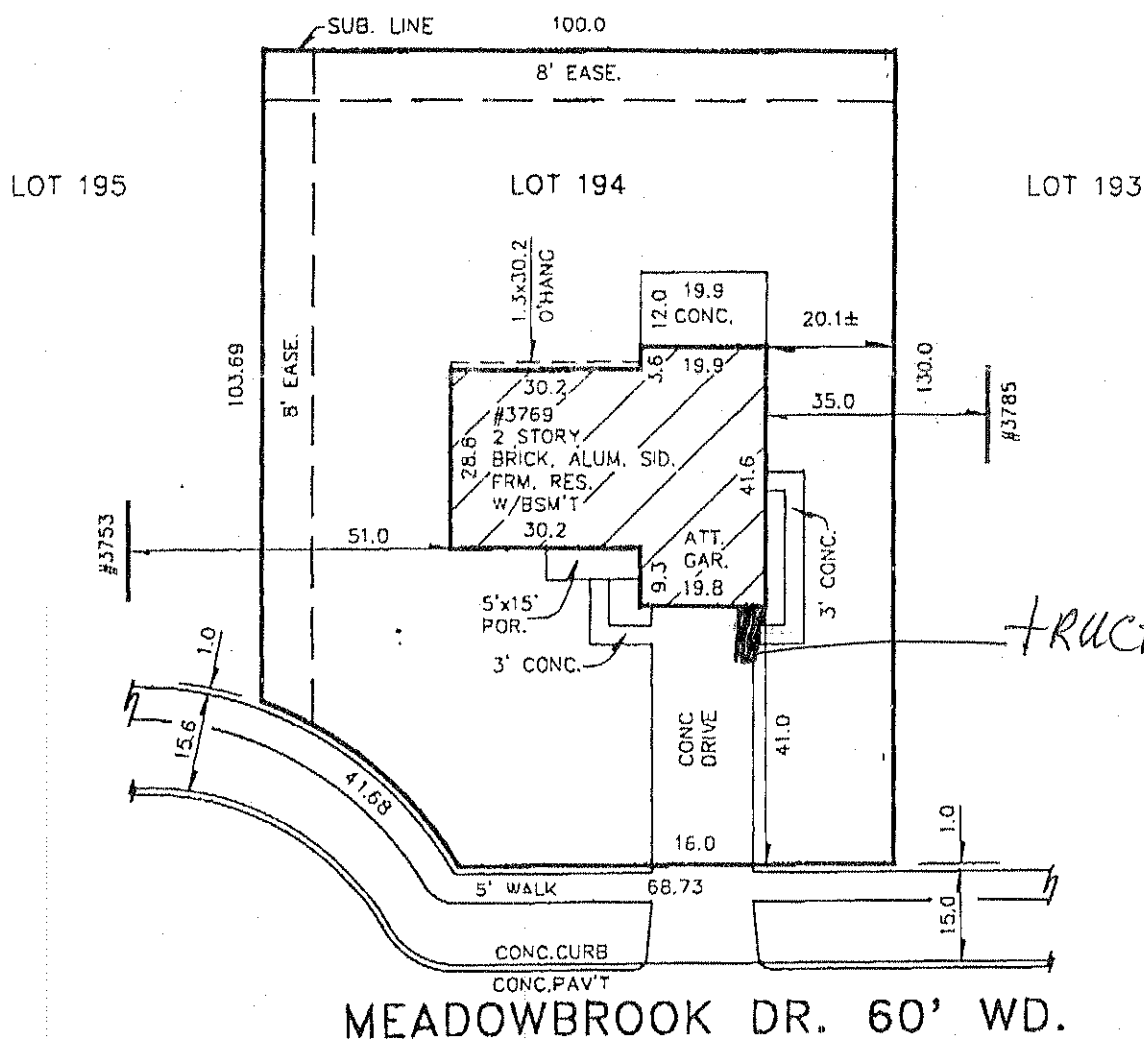
Certified to: IMPERIAL MORTGAGE CORPORATION

Applicant: MAZIN NAFSU

**Property Description:**

Lot 194; TROY MEADOWS SUB. NO. 3, a part of the N.E. 1/4 of Section 21, T.2 N., R.11 E., City of Troy, Oakland County, Michigan, as recorded in Liber 128 of Plats, Pages 29 and 30 of Oakland County Records.

RECEIVED  
OCT 13 2003  
BUILDING DEPARTMENT



**CERTIFICATE:** We hereby certify that we have surveyed the above-described property in accordance with the description furnished for the purpose of a mortgage loan to be made by the forementioned applicants, mortgagor, and that the buildings located thereon do not encroach on the adjoining property, nor do the buildings on the adjoining property encroach upon the property heretofore described, except as shown. This survey is not to be used for the purpose of establishing property lines, nor for construction purposes, no stakes having been set at any of the boundary corners.

*J. R. Schrader P.E.*

JOB NO: 00-17157

SCALE: 1"=30'

DATE: 06/21/00

DR BY: BK

**KEM-TEC**  
LAND SURVEYORS

22556 Gratiot Avenue  
Eastpointe, MI 48021-2312  
(810) 772-2222  
FAX: (810) 772-4048



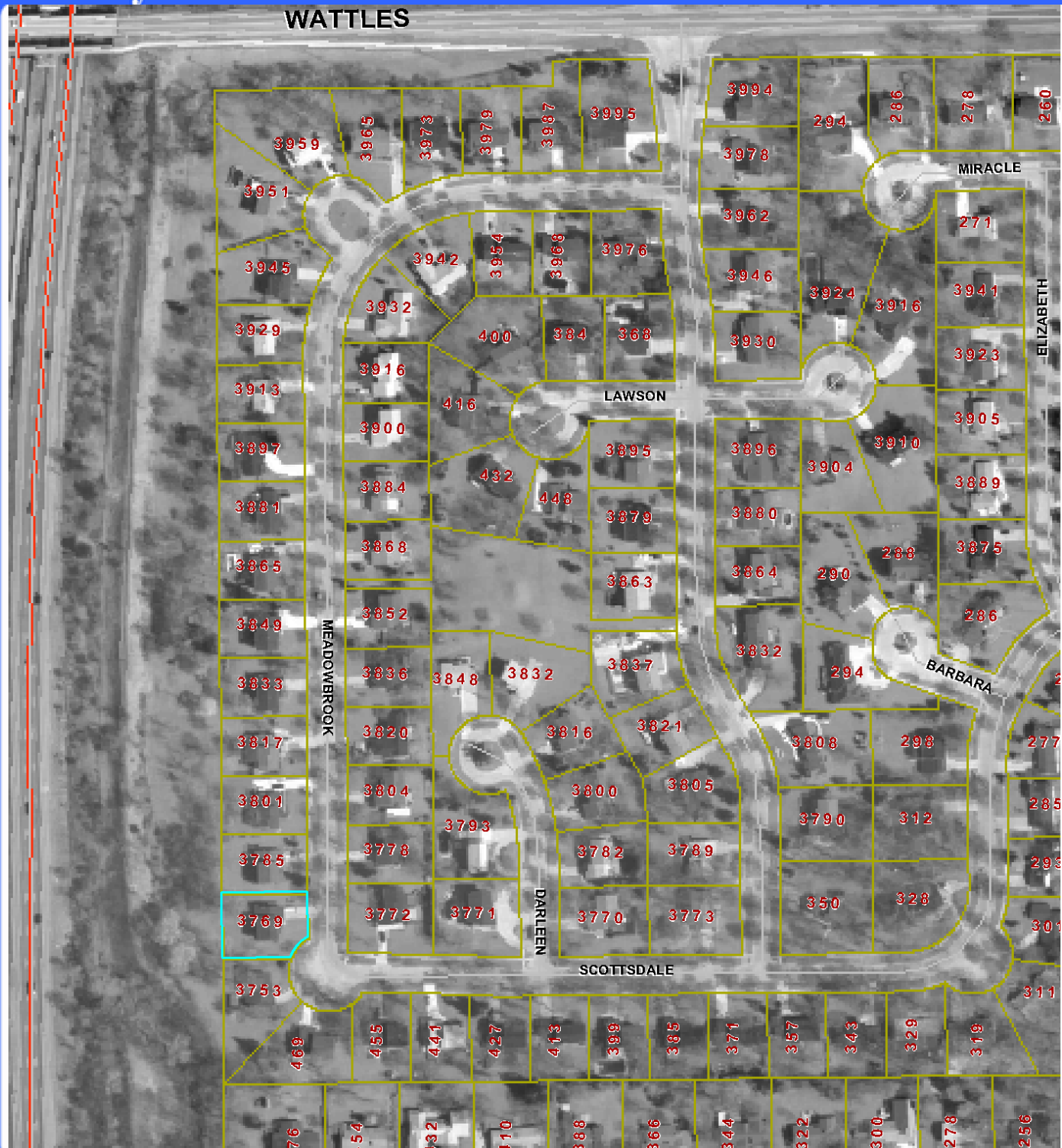
**KEM-TEC WEST**  
LAND SURVEYORS

800 E. Stadium  
Ann Arbor, MI 48104-1412  
(734) 994-0888 • (800) 433-6133  
FAX: (734) 994-0667









Note: The information provided by this application has been compiled from recorded deeds, plats, tax maps, surveys, and other public records and data. It is not a legally recorded map survey. Users of this data are hereby notified that the source information represented should be consulted for verification.





TO: CITY COUNCIL

Please register my approval ☐ objection ☒ to the request described on the reverse side.

My reason for this approval ☐ objection ☒ is:

11-14-03

RECEIVED

NOV 17 2003

BUILDING DEPARTMENT

THE PROPERTY IN QUESTION IS & HAS  
BEEN IN A STATE OF NEGLECT.

THE ADDITION OF MORE CARS & TRUCKS  
IN QUESTION CAN DO FURTHER HARM  
TO OUR NEIGHBORHOOD.

THE PRESIDENT OF OUR HOME OWNERS  
ASSOC. SHOULD BE QUESTION AS TO OUR  
CHARTER.

MR. BILL KOLAROWSKI

PH# 248-524-0428

NAME: GERARD N DENIRE

ADDRESS OR PROPERTY DESCRIPTION LOT #191

3917 MENDON BROOK DR

TROY MICH 48064

248-689-1888

TO: CITY COUNCIL

Please register my approval ☐ objection ☒ to the request described on the reverse side.

My reason for this approval ☐ objection ☒ is:

RECEIVED

17 2003

BUILDING DEPARTMENT

PROPERTY VALUES AND THE LOOK OF THE  
SUBDIVISION WILL BE IMPACTED IN A  
NEGATIVE MANNER. TROY IS KNOWN FOR  
ITS HIGH STANDARDS, BEAUTY, AND  
LIVING ENVIRONMENT. WE NEED TO KEEP  
THESE STANDARDS.

NAME:

Robert Allam

ADDRESS OR PROPERTY DESCRIPTION

3772 Meadowbrook

DATE: November 18, 2003

TO: The Honorable Mayor and City Council

FROM: John Szerlag, City Manager  
Gary A. Shripka, Assistant City Manager/Services  
Mark Stimac, Director of Building and Zoning

SUBJECT: Public Hearing Parking Variance Request  
3001 W. Big Beaver Road

We have received an application from Larry Nemer of Nemer Property Group, Inc. to construct a new restaurant at 3001 W. Big Beaver Road. The new restaurant will have a seating capacity of 250 persons. This capacity, along with the area of the attached office building at the development, requires that at least 3,398 parking spaces are available on the site per Sections 40.21.31 and 40.21.71 of the Troy Zoning Ordinance. A previous variance, approved by City Council in 1997, reduced this requirement by 248 spaces down to 3,150. However, the plans indicate that only 3,004 parking spaces will be available on the site. The permit application for this work has been denied. In response, the petitioners have filed an appeal of the parking requirement.

A Public Hearing has been scheduled for your meeting of November 24, 2003, in accordance with Section 44.01.00.

We have enclosed copies of the petitioner's application and supporting documentation as well as a copy of the site plan of the facility for your reference. We will be happy to provide additional information regarding this request if you desire.

Attachments:

PARKING VARIANCE APPLICATION  
FOR PUBLIC HEARING BEFORE CITY COUNCIL  
CITY OF TROY

RECEIVED

NOV 11 2003

BUILDING DEPARTMENT

TO TROY CITY COUNCIL

DATE: 11/11/03

Request is hereby made for a variance to modify the parking provisions of the Zoning Ordinance enacted by the City Council or contrary to a decision rendered by the Building Official in denying an application for a permit.

Applicant: TROY PLACE I ASSOCIATES and TROY PLACE II ASSOCIATES Phone: 248-352-2080

C/O NEMER PROPERTY GROUP, INC.

Address: 26877 NORTHWESTERN HWY., SUITE 101, SOUTHFIELD, MI 48034

TROY PLACE

Address of Property: 2855 COOLIDGE & 3001, 3155, 3221, 3331 W. BIG BEAVER

Lot # \_\_\_\_\_ Subdivision: \_\_\_\_\_  
20-30-226-008, 20-30-226-010,

Zoning District: O-S-C Sidwell # 20-30-226-009, 20-30-202-005, 20-30-202-004

Owner of Property: SEE APPLICANT Phone: 248-352-2080

Address: SEE APPLICANT

This appeal is made on a determination by the Director of Building & Zoning, in the enforcement of the Zoning Ordinance, in a letter dated: 11/10/03

Has there been a previous appeal involving this property? YES If Yes, state date 09/08/97

and particulars Variance of 248 spaces granted in connection with sale of parcel north of Golfview to owners of Somerset Collection

REASON FOR VARIANCE:

Dimension of Stall? \_\_\_\_\_

Parking Spaces Required: 3000 (without restaurant)  
3150 (with restaurant)

Number of Stalls? \_\_\_\_\_

Parking Spaces Provided: 3065 (without restaurant)  
3004 (with restaurant)

Other Dimensions? \_\_\_\_\_

Variance Requested: 146

Outline your appeal, listing sections of the ordinance from which relief is sought and also outline your proposals, indicating your hardships. (continued on back of page)

SEE ATTACHED LETTER

OF SITE ATTACHED HERETO

ICHIGAN )  
OAKLAND )

SPOSE AND SAY THAT ALL THE ABOVE STATEMENTS, AND INFORMATION IN  
IED PAPERS AND SITE PLANS SUBMITTED ARE TRUE AND CORRECT.

11/03

Ray M. Nemer

(Signature of Applicant)

worn to before me this 11<sup>th</sup> day of November 2003

Shawbrook

ion Expires: 6/3/05

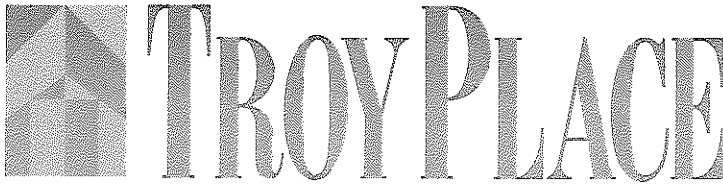
00.00

Date Paid

RECEIVED

NOV 11 2003

BUILDING DEPARTMENT



November 11, 2003

Mayor and City Council of City of Troy  
500 W. Big Beaver Road  
Troy, Michigan 48084

**RE: VARIANCE FROM REQUIRED PARKING - TROY PLACE**

**2855 Coolidge Highway (Parcel No. 20-30-226-008)**  
**3001 W. Big Beaver Road (Parcel No. 20-30-226-010)**  
**3155 W. Big Beaver Road (Parcel No. 20-30-226-009)**  
**3221 W. Big Beaver Road (Parcel No. 20-30-202-005)**  
**3331 W. Big Beaver Road (Parcel No. 20-30-202-004)**

Honorable Mayor and City Council:

Petitioners, **Troy Place I Associates** and **Troy Place II Associates**, owners of the above-referenced parcels comprising the **Troy Place** office complex, hereby request your approval of a reduction in the total number of required parking spaces at the complex by **146** based upon the following:

1. The five buildings comprising Troy Place contain approximately **649,562** net usable square feet of office space which would require **3,248** parking spaces under the zoning ordinance. We received a variance of **248** spaces on September 9, 1997 so that the number of parking spaces required for the office space is currently **3,000**.
2. The complex presently contains **3,065** parking spaces. However, we wish to construct a restaurant connected to the east side of the 3001 West Big Beaver facing the corner of West Big Beaver and Coolidge. The restaurant will contain approximately 7,100 square feet of floor area and approximately 250 seats which will (a) eliminate **61** existing spaces, and (ii) require an additional **150** parking spaces under the zoning ordinance.
3. Accordingly, after the restaurant is constructed, (a) the complex will contain **3,004** parking spaces, and (b) the number of parking spaces required will be **3,150**, leaving a **shortfall of 146 spaces**.

Managed by:

Nemer Property Group, Inc.

26877 Northwestern Highway

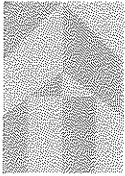
Suite 101

P.O. Box 70

Southfield, MI 48037-0070

Telephone: (248) 352-2080

Fax: (248) 352-8760



Mayor and City Council of City of Troy  
November 11, 2003

Page Two

4. There is an abundance of parking available in the complex. Even when the buildings have been almost 100% occupied, there has been a surplus of parking spaces available in the complex, especially in the northeast parking lot where the restaurant will be constructed.
5. We are currently planning to have a restaurant that will only be open for dinner so that **3,004** spaces will continue to be available during business hours for the office tenants which is in excess of the **3,000** currently required for the office space.
6. The restaurant will be an important amenity for the Troy Place complex and will also be an attractive addition to the intersection of West Big Beaver and Coolidge.

In conclusion, we hereby request that the number of parking spaces required at Troy Place be reduced by **146** to permit us to construct a restaurant.

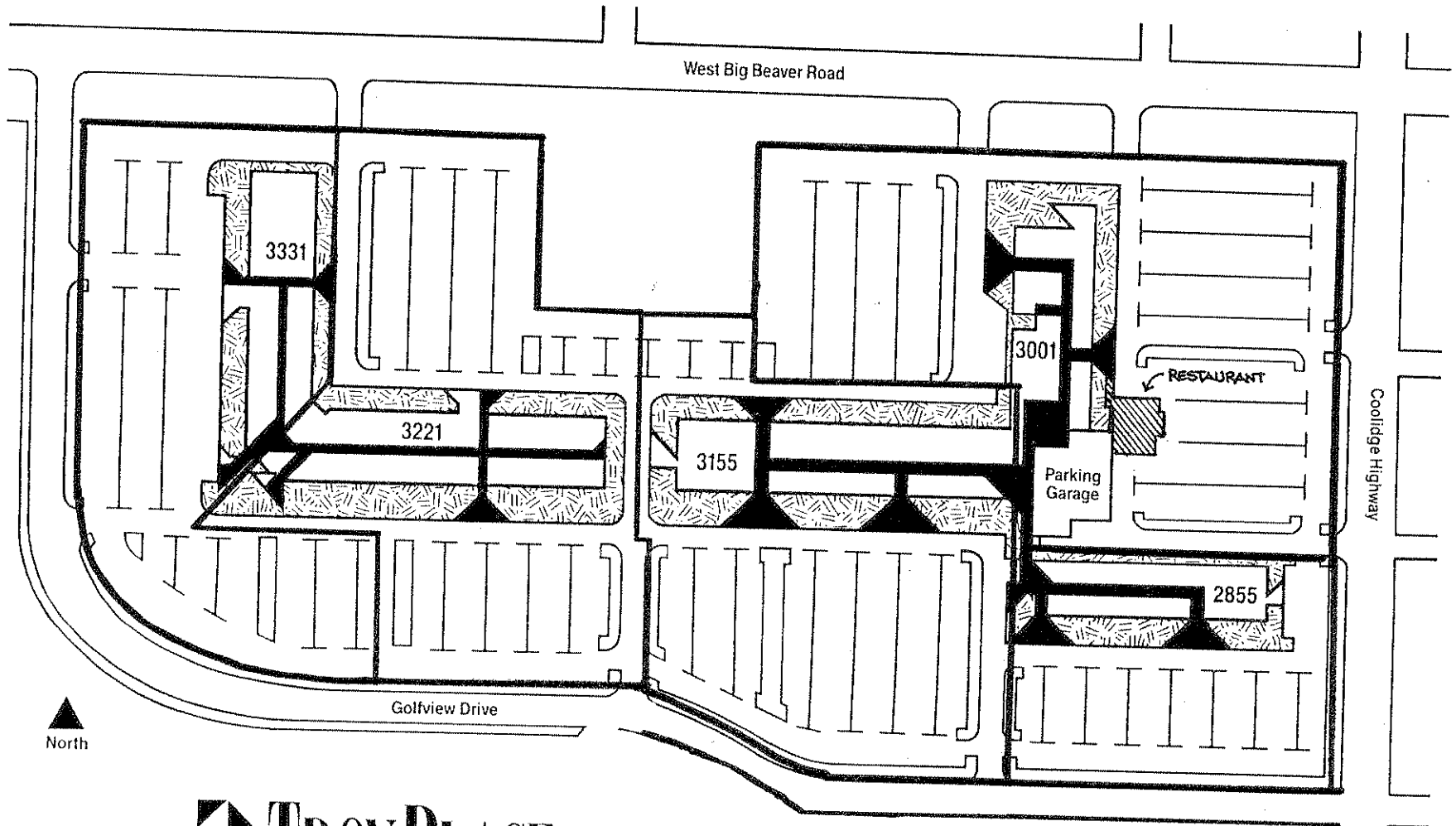
Please feel free to call if you have any questions.

Sincerely,

**TROY PLACE I ASSOCIATES**  
**TROY PLACE II ASSOCIATES**  
By Nemer Property Group, Inc.,  
Managing Agent

Larry M. Nemer  
President

PARKING VARIANCE



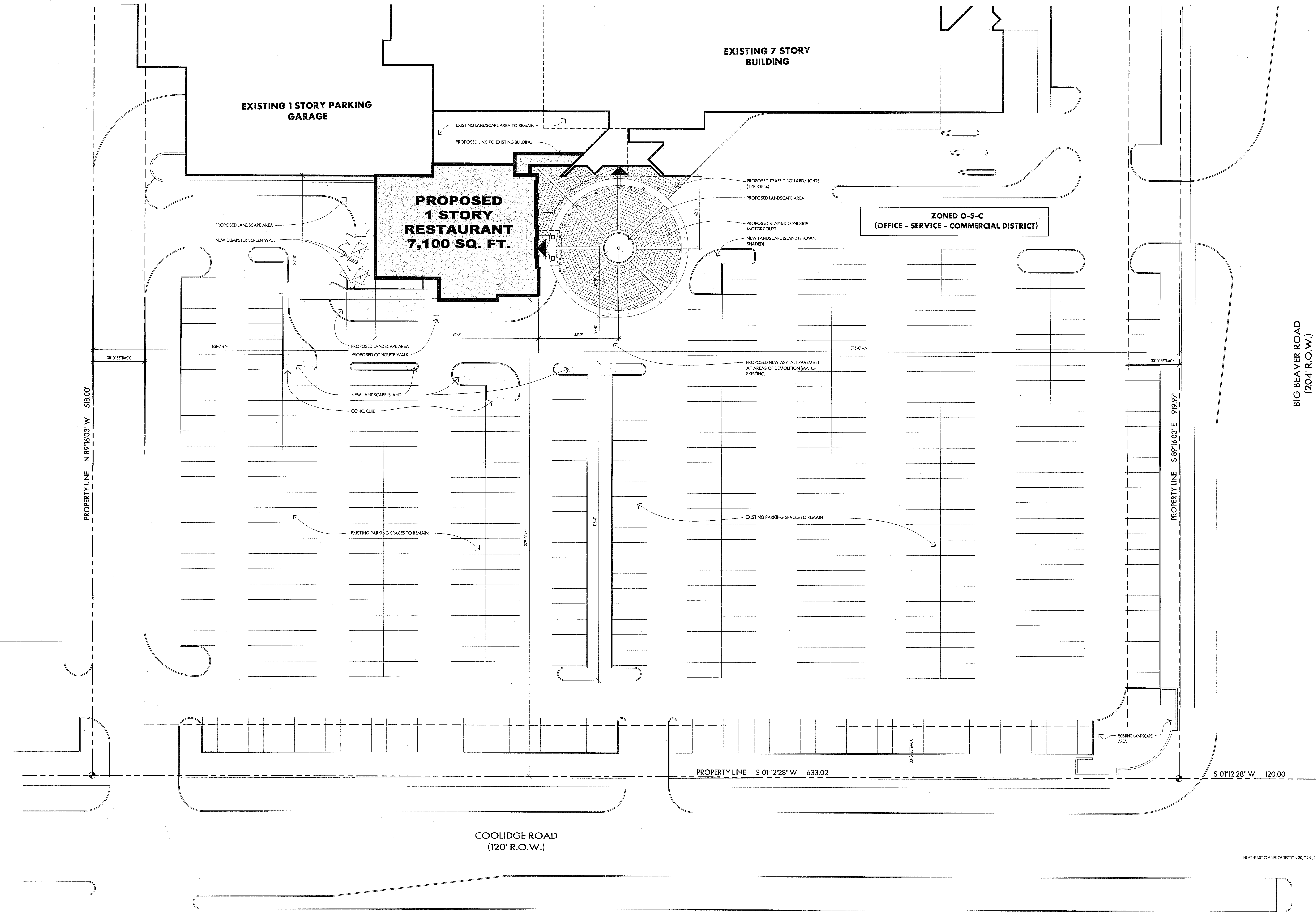
 **TROY PLACE**

**RECEIVED**

NOV 11 2003

BUILDING DEPARTMENT





SITE PLAN

Scale: 1" = 20'-0"



RECEIVED  
NOV 07 2003  
BUILDING DEPARTMENT

## TROY PLACE PARKING

PARKING REQUIRED BY ORDINANCE FOR OFFICE SPACE: 649,562 USABLE SF X 1 SPACE /200 USABLE SF	3,248
PARKING REQUIRED BY ORDINANCE FOR RESTAURANT: <u>FOR SEATING CAPACITY OF 250:</u> 1 SPACE/2 SEATS = 125 SPACES 1 EMPLOYEE SPACE/10 SEATS = 25 SPACES TOTAL REQUIRED: 150 SPACES <u>FOR DINING AREA OF 4,000 SF:</u> 1 SPACE/35 SF OF DINING AREA = 114 SPACES	150
TOTAL PARKING REQUIRED BY ORDINANCE:	3,398
VARIANCE GRANTED 09/08/97:	(248)
PARKING REQUIRED AFTER VARIANCE GRANTED 09/08/97:	3,150
PARKING PROVIDED AFTER CONSTRUCTION OF RESTAURANT BUILDING (3,065 EXISTING SPACES - 61 SPACES ELIMINATED BY CONSTRUCTION OF RESTAURANT BUILDING):	3,004
ADDITIONAL PARKING SPACES REQUIRED: [NOTE: PARKING VARIANCE TO BE APPLIED FOR FROM CITY COUNCIL]	146

November 17, 2003

TO: The Honorable Mayor and City Council

FROM: John Szerlag, City Manager  
 Gary A. Shripka, Assistant City Manager/Services  
 Doug Smith, Real Estate and Development Director  
 Steve Vandette, City Engineer  
 Mark F. Miller, Planning Director

SUBJECT: PUBLIC HEARING - STREET VACATION APPLICATION (SV-184) –  
 Crestfield Avenue and Tallman (FKA Taylor) Street, within proposed  
 Crestwood Site Condominium, North Side of Wattles, East of Livernois,  
 Section 15.

### **RECOMMENDATION**

On October 14, 2003 the Planning Commission recommended that the street vacation request be approved as submitted, subject to the following:

1. Retention of all necessary easements as required by the City of Troy.
2. Dedication of Wattles and Hanover ultimate right-of-way.
3. Dedication of future right-of-way for the proposed Crestwood Site Condominium.

City Management concurs with the Planning Commission approval recommendation.

### **GENERAL INFORMATION**

Name of applicant(s):

Murray Deagle of RWT Building, LLC.

Location of property owned by applicant(s):

The property is located on the north side of Wattles, east of Livernois, in section 15.

History of Right of Way:

Both streets are located within the Crestfield Subdivision, which was platted in 1924. Neither section of the street has ever been constructed.

The applicant intends to develop Crestwood Site Condominium, a 23-unit site condominium, over a portion of the existing plat. The existing right-of-way does not meet the City standard for right-of-way width, and is in an unsuitable location for future development. Crestwood received Preliminary Condominium Approval from City

Council on February 3, 2003. The applicant must vacate the platted right-of-way prior to Final Condominium Approval.

Length and width of right-of-way:

The Crestfield Avenue right-of-way abuts lots 31-64 and 65-98 and is approximately 1374 feet long and 50 feet wide. The Tallman Street right-of-way abuts lots 64-65 and 192 and is approximately 353 feet long and 33 feet wide.

**ANALYSIS**

Reason for street vacation (as stated on the Street/Alley Vacation Application):

The application states the following: "Consolidation of property for development".

Future Land Use Designation:

The property is designated on the Future Land Use Plan as Low Density Residential.

Need for future easements and dedications:

The City requires a 20-foot wide easement for the existing water main, as shown on the Preliminary Site Plan, which received Preliminary Site Plan Approval by City Council on February 3, 2003.

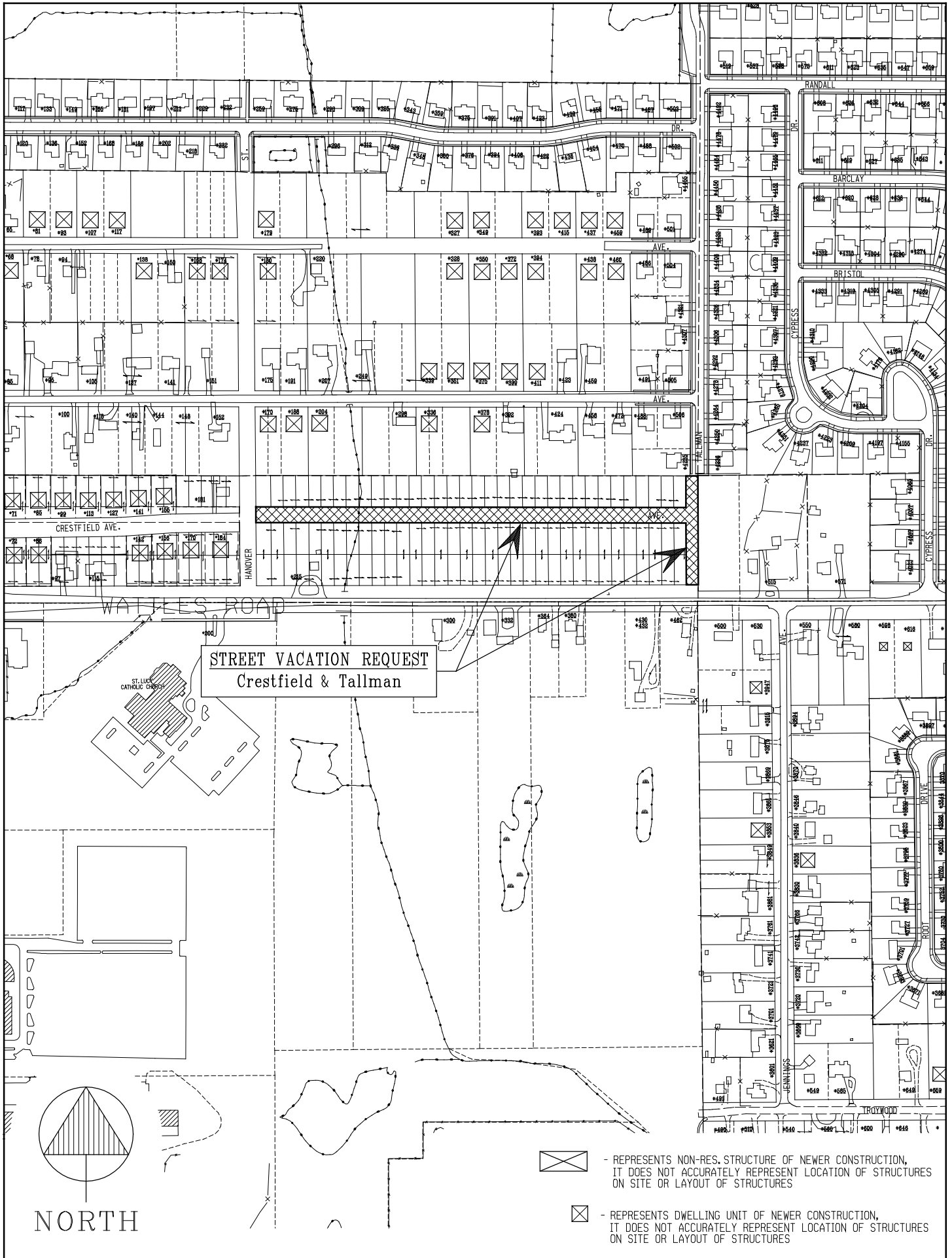
The City also requires right-of-way for the future road and public walkway, as shown on the Preliminary Site Plan, which received Preliminary Site Plan Approval by City Council on February 3, 2003.

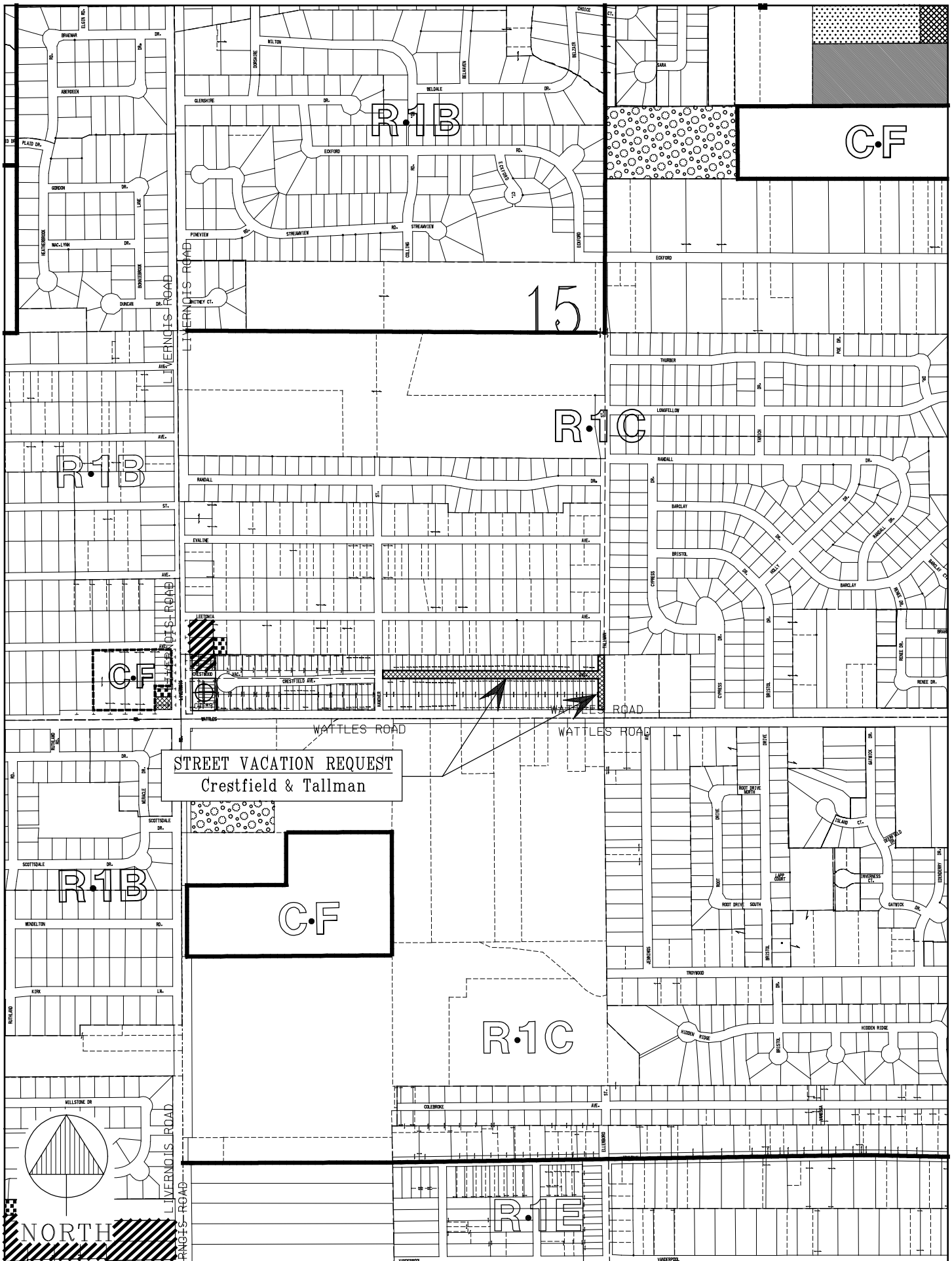
cc: Applicant  
File/ SV 184

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# CITY OF TROY





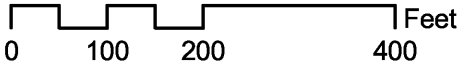






STREET VACATION REQUEST  
CRESTFIELD & TALLMAN  
PROPOSED CRESTWOOD SITE CONDO.  
N OF WATTLES, E OF LIVERNOIS  
SEC. 15 (SV-184)

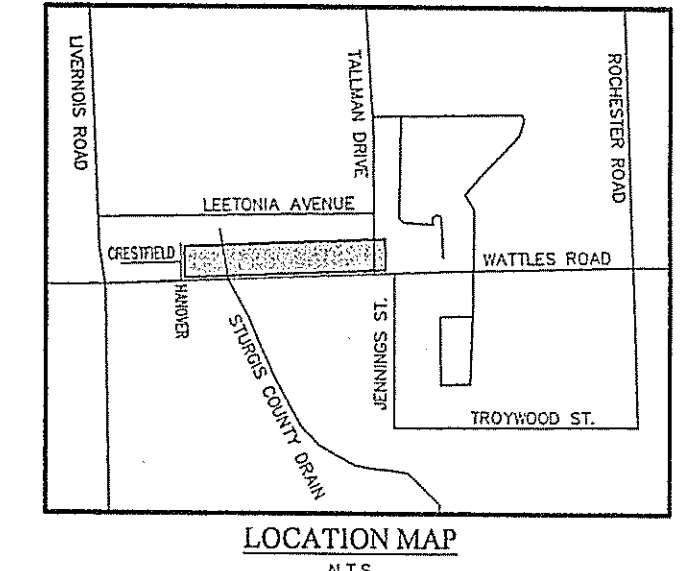
STREET VACATION REQUEST  
CRESTFIELD & TALLMAN



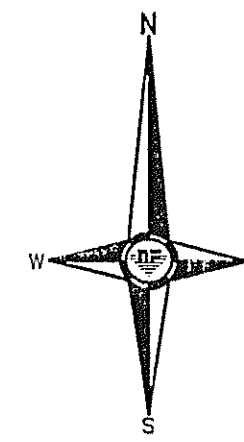


# LEGAL DESCRIPTION

A Parcel of land described as lots 31-93 inclusive, 97-98 inclusive, 159-160 inclusive, and lots 164-192 inclusive, Also the West 35 feet of lot 161, Also lot 94 excepting the South 41.60 feet of lot 94, Also lot 95 excepting the South 41.6 feet of lot 95, and lot 96 excepting the East 5 feet of the South 41.60 feet of lot 96, of Crestfield Subdivision, being part of the S.W. 1/4 of Section 15, T.2N., R.11E., Also part of the S.E. 1/4 of Section 15, T.2N., R.11E., City of Troy, Oakland County, Michigan, all being more particularly described as commencing at the S.W. corner Section 15; thence S 89°38'00" E, 1284.05 feet along the South Line of said Section 15; thence Due North 53.00 feet to the Point of Beginning, said point also being the S.W. corner of Lot 159 of said "Crestfield Subdivision", as recorded in Liber 34, Page 38, Oakland County Records; thence Due North 353.14 feet along the West line of Lots 159, 98, and 31 and the east line of Hanover street (50 feet wide) to a point on the South line of "McCormick & Lawrence Little Farms Subdivision", as recorded in Liber 20, Page 30, Oakland County Records, said point also being the N.W. corner of said Lot 31, of "Crestfield Subdivision"; thence S 89°38'10" E, 1411.12 feet along the North line of "Crestfield Subdivision" and the South line of "McCormick & Lawrence Little Farms Subdivision" to a point on the North and South 1/4 line of said Section 15; thence S 89°38'04" E, 131.62 feet to a point on the South line of "Cypress Gardens Subdivision" as recorded in Liber 126, Page 7, Oakland County Records; thence S 00°31'09" W, 373.20 feet to a point on the North Right-of-Way line of Wattles Road (width varies); thence N 89°38'04" W, along the North line of said Wattles Road 132.00 feet to a point on the North and South 1/4 line of said Section 15; thence N 00°34'40" E, 20.00 feet along said Section line to a point; thence N 89°38'00" W, 1197.55 feet along said Right-of-Way line of Wattles Road to a point, said point being the S.E. corner of lot 163 of said Crestfield Subdivision; thence Due North 142.63 feet to a point on the West line of said lot 93 of said Crestfield Subdivision; thence N 89°38'00" W, 85.00 feet to a point; thence Due South 142.63 feet to a point, said point being on the North line of Wattles Road (width varies); thence N 89°38'00" W, 125 feet along the North Right-of-Way line of Wattles Road to the Point of Beginning. Contains 12.277 acres or 534,787.12 SF and subject to easements & restrictions of record.



LEGEND	
MANHOLE	EXISTING SANITARY SEWER
HYDRANT	SAN. CLEAN OUT
GATE VALVE	EXISTING WATER MAIN
CATCH BASIN	EXISTING STORM SEWER
6" G	EX. R. Y. CATCH BASIN
E	EXISTING GAS MAIN
UTILITY POLE	EXISTING UNDERGROUND ELECTRIC
EXISTING OVERHEAD LINES	EXISTING UNDERGROUND TELEPHONE
LIGHT POLE	SIGN
PR. SANITARY SEWER	PR. WATER MAIN
PR. STORM SEWER	PR. R. Y. CATCH BASIN
SAND BACKFILL (95% DENSITY)	



## TOPO NOTES

- All elevations are existing elevations.
- Utility locations were obtained from municipal officials and records of utility companies, and no guarantee can be made to the completeness, or exactness of location.
- This survey may not show all easements of record unless an updated title policy has been furnished to the surveyor by the owner.
- All bearings are in relation to the bearing for the South line of Section 15, T.2N., R.11E., per the plat for Crestfield Subdivision.

## FLOODPLAIN LEGEND

APPROXIMATE LOCATION OF 100 YEAR FLOODPLAIN AS INDICATED ON FIRM MAP FOR THE CITY OF TROY, PANEL 4 OF 6, COMMUNITY PANEL NUMBER 260180-0004 E

NOTE: THE FLOODPLAIN HAS BEEN UPDATED PER AN ANALYSIS BY HUBBELL, ROTH & CLARK, INC. SEE FLOODPLAIN MITIGATION PLAN THAT WAS SUBMITTED BY NOWAK & FRAUS, PLLC FOR THE UPDATED FLOODPLAIN, AND THE FILLS AND COMPENSATING CUTS IN THE FLOODPLAIN.

# NOWAK & FRAUS

Consulting Engineers  
Land Surveyors  
Land Planners

46777 Woodward Avenue  
Pontiac, Michigan 48342  
Tel. (248) 332-7931  
Fax. (248) 332-8257

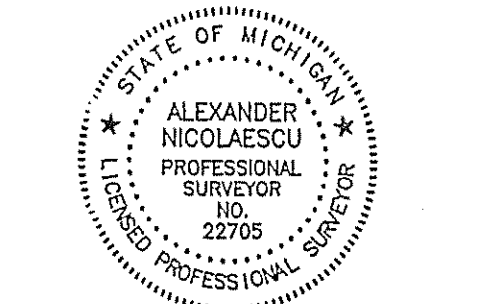
PROJECT  
Crestwood Site  
Condominium

CLIENT  
RWT BLDG, LLC.  
2065 Livernois Road  
Troy, MI

REC'D  
AUG 29 2003  
Murray Deagle  
248-273-6000

PROJECT LOCATION  
Part of the Crestfield  
Subdivision in the SW 1/4  
of section 15  
T.2 North, R.11 East  
City of Troy,  
Oakland County, Michigan

SEAL



DATE REVISION

04-28-13 Revised per Client  
03-24-13 Revised per City of Troy  
11-13-12 Issued for Agency Approval

SHEET  
TOPOGRAPHIC &  
BOUNDARY SURVEY  
AND DEMOLITION  
PLAN

DRAWN BY:  
REL  
DESIGNED BY:  
REL  
APPROVED BY:  
JJH  
DATE  
11-13-02  
SCALE:  
1"=80'  
N/F JC B NO.



9-C311  
SHEET NO. C-1







6. PUBLIC HEARING – STREET VACATION REQUEST (SV-184) – Crestfield Avenue between Hanover and Tallman, and Tallman Drive, abutting Lots 64, 65 and 192 of Crestfield Subdivision, North of Wattles, East of Livernois, Section 15 – R-1C

Mr. Miller presented a summary of the Planning Department report for the proposed street vacation. Mr. Miller reported that it is the recommendation of the Planning Department to approve the street vacation request with the conditions of the retention of all necessary easements as required by the City of Troy, the dedication of the necessary right-of-way for Wattles and Hanover, and the dedication of future right-of-way for the Crestwood Site Condominium.

Mr. Miller reported that the developer has expressed an interest in changing the layout of the development that may require the plan to go through the approval process again. Mr. Miller suggested the Commission could go forward with the street vacation recommendation contingent that it is necessary to vacate a road prior to any development.

Mr. Storrs asked if the Planning Department is concerned about easements associated with new development.

Mr. Miller explained that the vacation takes place after the City conducts a research on the necessary easements and City Council approves an authorizing resolution.

The petitioner, Michael Lamb of RWT Building, 2065 Livernois, Troy, was present. Mr. Lamb stated that he owns the entire property abutting the proposed vacation. He said easements for the existing public utilities would be reserved and relocated, if necessary, within the development. Mr. Lamb said that the Hanover right-of-way has been dedicated, and noted that the ultimate right-of-way of Livernois has been designated in the plans.

PUBLIC HEARING OPENED

No one was present to speak.

PUBLIC HEARING CLOSED

**Resolution # PC-2003-10-032**

Moved by: Wright

Seconded by: Vleck

**RESOLVED**, That the Planning Commission hereby recommends to the City Council that the street vacation request, as submitted, for Crestfield Avenue, between Hanover and Tallman, and Tallman Drive, abutting Lots 64, 65, and 192 of

Crestfield Subdivision, North of Wattles, East of Livernois, in Section 15, being zoned R-1C, be approved, subject to the following conditions:

1. Retention of all necessary easements as required by the City of Troy.
2. Dedication of Wattles and Hanover ultimate right-of-way.
3. Dedication of future right-of-way for the proposed Crestwood Site Condominium.

Yes: All present (8)

No: None

Absent: Chamberlain

**MOTION CARRIED**

A Regular Meeting of the Troy City Council was held Monday, November 17, 2003, at City Hall, 500 W. Big Beaver Road. Mayor Pro Tem Lambert called the Meeting to order at 7:34 P.M.

The Invocation was given by Pastor Nathan Renner – Seventh Day Adventist Church and the Pledge of Allegiance to the Flag was given.

## ROLL CALL

**PRESENT:** Mayor Matt Pryor - (Absent)  
 Robin E. Beltramini  
 Cristina Broomfield  
 David Eisenbacher – (Absent)  
 Martin F. Howrylak  
 David A. Lambert  
 Jeanne M. Stine

### Resolution to Excuse Mayor Pryor and Council Member Eisenbacher

Resolution #2003-11-580

Moved by Stine

Seconded by Howrylak

RESOLVED, That Mayor Pryor and Council Member Eisenbacher's absence at the Regular City Council meeting and Closed Session of November 17, 2003 **BE EXCUSED**.

Yes: All-5

No: None

Absent: Pryor, Eisenbacher

## PRESENTATIONS:

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**A-1** (d) Mayor Pro Tem Lambert accepted the Red Ribbon Pledge Sheets from student representatives of the Troy Elementary and Middle Schools on behalf of the City of Troy; (b) 1<sup>st</sup> Sgt. Joseph Haddad – US Army and City of Troy Police Officer gave a presentation and bestowed two shadow boxes with military mementos he obtained during his term of service at Guantanamo Bay in appreciation of Troy's City Council and the Troy Police Department's support of the United States military personnel; (c) A Domestic Violence Awareness Presentation was given by Adreana Harley and Rik Cyderman on behalf of Beaumont Hospital, Troy; and (a) An auditor's presentation was given by Larry Simon of Doeren Mayhew and a presentation of the *Comprehensive Annual Financial Report for the Year Ended June 30, 2003* was given to City Council by John M. Lamerato – Assistant City Manager/ Finance and Administration;

## PUBLIC COMMENT:

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### A. Items on the Current Agenda

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**F-2 Closed Session – Withdrawn by City Council**

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**F-7 Amendment to Historic Preservation – Chapter 13**

Resolution #2003-11-  
Moved by Beltramini  
Seconded by Stine

RESOLVED, That the ordinance to amend Chapter 13 of the City Code, Historic Preservation, is hereby **ADOPTED** as recommended and corrected by the City Attorney, a copy of this ordinance shall be **ATTACHED** to the original Minutes of this meeting; and

BE IT FURTHER RESOLVED, That Troy City Council shall **APPOINT** the Historic District Study Committee no later than the second meeting in January 2004.

**Vote on Amendment**

Resolution #2003-11-581  
Moved by Howrylak  
Seconded by Beltramini

RESOLVED, That the Resolution be **AMENDED** by **STRIKING** “two (2) persons” and **INSERTING** “one (1) person” under Section 4 B. HISTORIC DISTRICT COMMISSION, prior to “chosen from a list submitted by the Troy Historical Society”.

Yes: All-5  
No: None  
Absent: Pryor, Eisenbacher

**Vote on Amended Resolution**

Resolution #2003-11-582  
Moved by Beltramini  
Seconded by Stine

RESOLVED, That the ordinance to amend Chapter 13 of the City Code, Historic Preservation, is hereby **ADOPTED** as recommended and corrected by the City Attorney, a copy of this ordinance shall be **ATTACHED** to the original Minutes of this meeting; and

BE IT FURTHER RESOLVED, That a Historic District Study Committee **SHALL BE APPOINTED** by the Troy City Council no later than the second meeting in January, 2004; and

BE IT FINALLY RESOLVED, That Chapter 13 of the City Code, Historic Preservation, be further **AMENDED** by **STRIKING** “two (2) persons” and **INSERTING** “one (1) person” under Section 4 B. HISTORIC DISTRICT COMMISSION, prior to “chosen from a list submitted by the Troy Historical Society”.

Yes: All-5  
No: None  
Absent: Pryor, Eisenbacher

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**G-4 Green Memorandums:**

(a) **Charter Revision Committee Recommendations**

Resolution #2003-11-583  
Moved by Howrylak  
Seconded by Broomfield

RESOLVED, That the Troy City Council **DIRECTS** the City Attorney's office to draft language to move the April City General Election that would elect City Council and Mayor to November of odd years with terms to be four (4) years with three (3) Council Members to be elected the first odd year and the remaining three (3) Council Members and the Mayor to be elected the following odd year to be placed on the April 5, 2004 ballot.

Yes: All-5  
No: None  
Absent: Pryor, Eisenbacher

- (b) Emerald Ash Borer Update  
(c) Holiday Lights

Noted and Filed

**Suspend City Council Rules # 5 and Change Order of Business**

Resolution #2003-11-584  
Moved by Beltramini  
Seconded by Stine

RESOLVED, That City Council **SUSPEND** Rules of Procedure #5 and move forward Reconsideration of Resolution #2003-10-540 – Request for Commercial Vehicle Appeal Renewal – 1820 E. Wattles – Proposed by Council Member Stine.

Yes: All-5  
No: None  
Absent: Pryor, Eisenbacher

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**Reconsideration of Resolution #2003-10-540 - Request for Commercial Vehicle Appeal Renewal – 1820 E. Wattles - Proposed by Council Member Stine**

Resolution #2003-11-585  
Motion by Stine  
Seconded by Beltramini

RESOLVED, That Resolution #2003-10-540, Moved by Howrylak and Seconded by Eisenbacher, as it appears below be **RECONSIDERED** by City Council:

WHEREAS, Section 44.02.02 of Chapter 39, Zoning, of the Code of the City of Troy provides that actions to grant appeals to the restrictions on outdoor parking of commercial vehicles in residential districts pursuant to Section 40.66.00 of Chapter 39 of the Code of the City of Troy "shall be based upon at least one of the following findings by the City Council:

- A) The occurrence of the subject commercial vehicle on the residential site involved is compelled by parties other than the owner or occupant of the subject residential site (e.g. employer).
- B) Efforts by the applicant have determined that there are no reasonable or feasible alternative locations for the parking of the subject commercial vehicle.
- C) A garage or accessory building on the subject residential site cannot accommodate, or cannot reasonably be constructed or modified to accommodate, the subject commercial vehicle.
- D) The location available on the residential site for the outdoor parking of the subject commercial vehicle is adequate to provide for such parking in a manner which will not negatively impact adjacent residential properties, and will not negatively impact pedestrian and vehicular movement along the frontage street(s)."; and

WHEREAS, The City Council of the City of Troy has found that the petitioner has demonstrated the presence of the following condition(s), justifying the granting of a variance:

No conditions were brought forward by City Council.

NOW, THEREFORE, BE IT RESOLVED, That the request from Mr. Steven Pary, 1820 E. Wattles, for waiver of Chapter 39, Section 40.66.00, of the Code of the City of Troy, to permit outdoor parking of a Ford tow truck in a residential district is hereby **APPROVED** for two (2) years.

Yes: Broomfield, Eisenbacher, Howrylak, Lambert, Pryor

No: Stine, Beltramini

#### **MOTION CARRIED**

Yes: Beltramini, Stine

No: Broomfield, Howrylak, Lambert

Absent: Pryor, Eisenbacher

#### **MOTION FAILED**



**Resolution to Place Reconsideration of Resolution #2003-10-540 – Request for Commercial Vehicle Appeal Renewal – 1820 E. Wattles – Proposed by Council Member Stine on the Agenda for Regular City Council Meeting Scheduled for December 1, 2003**

Resolution #2003-11-586

Motion by Stine

Seconded by Lambert

RESOLVED, That City Council **DIRECTS** City Management to place Reconsideration of Resolution #2003-10-540 – Request for Commercial Vehicle Appeal Renewal – 1820 E. Wattles – Proposed by Council Member Stine, under Council Referrals on the Agenda of the Regular Meeting scheduled for Monday, December 1, 2003.

Yes: Broomfield, Lambert, Stine, Beltramini

No: Howrylak

Absent: Pryor, Eisenbacher

**MOTION CARRIED**

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**B. Items Not on the Current Agenda**

**CONSENT AGENDA**

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**E-1 Approval of Consent Agenda**

Resolution #2003-11-587

Moved by Beltramini

Seconded by Broomfield

RESOLVED, That all items as presented on the Consent Agenda are hereby **APPROVED** as presented with the exception of Item E-2 which shall be considered after Consent Agenda (E) items, as printed.

Yes: All-5

No: None

Absent: Pryor, Eisenbacher

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**E-3 City of Troy Proclamations:**

Resolution #2003-11-587-E-3

RESOLVED, That the following City of Troy Proclamations be **APPROVED**:

- (a) Red Kettle Campaign – November 19 – December 24, 2003
- (b) Christian Heritage Week – November 23-29, 2003
- (c) Celebrating the Opening of the New Wing – Immaculate Conception Ukrainian Schools

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**E-4 Standard Purchasing Resolution 1: Award to Low Bidders – Big Beaver Irrigation Installation**

Resolution #2003-11-587-E-4

RESOLVED, That contracts to provide irrigation installation at two sites on Big Beaver Road are hereby **AWARDED** to the low bidders, Michigan Automatic Sprinkler, Inc., for Site 1, at an estimated total cost of \$93,625.00, and Rayner Law Sprinkler, for Site 2, at an estimated total cost of \$4,683.00, at prices contained in their schedule of values submitted October 28, 2003, a copy of which shall be **ATTACHED** to the original Minutes of this meeting.

BE IT FURTHER RESOLVED, That the awards are contingent upon contractor submission of properly executed bid and contract documents, including bonds, insurance certificates, and all other specified requirements; and if changes to the quantity of work is needed, all such changes both additive and deductive are **AUTHORIZED** not to exceed 10% of the individual contract totals.

---

**E-5 City of Troy v Livernois Road Partners**

Resolution #2003-11-587-E-5

RESOLVED, That the City of Troy City Council approves the revised proposed consent judgment in the City of Troy v Livernois Road Partners condemnation case, and **AUTHORIZES** payment in the amount stated therein, and further **AUTHORIZES** the City Attorney's Office to execute the consent judgment, a copy of which shall be **ATTACHED** to the original Minutes of this meeting

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**E-6 Mayor Pryor's Attendance at U.S. Conference of Mayors 72<sup>nd</sup> Winter Meeting in Washington, DC – January 21 – 23, 2004**

Resolution #2003-11-587-E-6

RESOLVED, That Mayor Pryor is **AUTHORIZED** to attend the U.S. Conference of Mayors 72<sup>nd</sup> Winter Meeting in Washington, DC, January 21 – 23, 2004.

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**E-7 Acceptance of Permanent Easement for Sanitary Sewer – Project No. 03.918.3 – Shops at Torpey – Sidwell #88-20-23-303-025 – Southwest ¼ of Section 23**

Resolution #2003-11-587-E-7

RESOLVED, That the Permanent Easement for Sanitary Sewer from Old Troy, L.L.C., having Sidwell #88-20-23-303-025, is hereby **ACCEPTED**; and

BE IT FURTHER RESOLVED, That the City Clerk is hereby **DIRECTED TO RECORD** said Permanent Easement with Oakland County Register of Deeds, a copy of which shall be **ATTACHED** to the original Minutes of this meeting.

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**E-8     2003-04 Budget Amendment No. 1**

Resolution #2003-11-587-E-8

RESOLVED, That Budget Amendment No. 1 of the 2003-04 budget be **APPROVED** to provide funds for outstanding purchase orders at June 30, 2003, reconcile capital projects in various stages of completion at June 30, 2003; and

BE IT FURTHER RESOLVED, That a copy of the budget amendment be **ATTACHED** to the original minutes of this meeting.

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**E-9     Drury Inns, Inc. Addition of Space and Change Classification from Class C to B-Hotel**

**(a)     Add Space and Change Classification**

Resolution #2003-11-587-E-9a

RESOLVED, That the request from Drury Inns, Inc. (A Missouri Corporation), located at 575 W. Big Beaver, Troy, MI 48084 – Oakland County, to add space to a 2003 Class C and SDM licensed business and to change classification from Class C to B-Hotel be considered for **APPROVAL**; it is the **CONSENSUS** of this legislative body that the application be **RECOMMENDED FOR ISSUANCE**.

**(b)     Approval of Agreement**

Resolution #2003-11-587-E-9b

WHEREAS, The City Council of the City of Troy deems it necessary to enter agreements with applicants for liquor licenses for the purpose of providing civil remedies to the City of Troy in the event licensees fail to adhere to Troy Codes and Ordinances.

NOW, THEREFORE, BE IT RESOLVED, That the City Council of the City of Troy hereby **APPROVES** an agreement with Drury Inns, Inc. (A Missouri Corporation), which shall become effective upon approval of the request to add space to a 2003 Class C and SDM licensed business, and to change classification from Class C to B-Hotel; and the Mayor and City Clerk are **AUTHORIZED TO EXECUTE** the document, a copy of which shall be **ATTACHED** to the original Minutes of this meeting.

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**E-10 Waiver of Parking Restrictions**

Resolution #2003-11-587-E-10

RESOLVED, That the City Council of the City of Troy does hereby **WAIVE** the no parking restrictions on the east side of Northfield Parkway from the entrance to Boulan Park to the entrance to Congregation Shir Tikvah, on November 22, 2003 between the hours of 7:00 pm and 11:30 pm.

**ITEM TAKEN OUT OF ORDER**

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**E-2 Minutes: Special Meeting of October 28, 2003, Regular Meeting of November 3, 2003, and Special Meeting of November 10, 2003**

Resolution #2003-11-588

Moved by Beltramini

Seconded by Stine

RESOLVED, That the Minutes of the 7:30 PM Special Meeting of October 28, 2003 as **AMENDED**, the Minutes of the 7:30 PM Regular Meeting of November 3, 2003 and the Minutes of the 5:30 PM Special Meeting of November 10, 2003, be **APPROVED** as **SUBMITTED**.

Yes: All-5

No: None

Absent: Pryor, Eisenbacher

**REGULAR BUSINESS**

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**F-1 Appointments to Boards and Committees: (a) Mayoral Appointments: 1) Economic Development Corporation & (b) City Council Appointments: 1) Advisory Committee for Persons with Disabilities; 2) Historical Commission; and 3) Troy Daze****(b) City Council Appointments**

Resolution #2003-11-589

Moved by Lambert

Seconded by Beltramini

RESOLVED, That the following persons are hereby **APPOINTED BY THE CITY COUNCIL** to serve on the Boards and Committees as indicated:

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**Advisory Committee for Persons with Disabilities**

**Appointed by Council (9 Regular, 3 Alternates) – 3 years**

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**Nancy Johnson****Term expires 11-01-2006 (Alternate)**

Yes: All-5  
No: None  
Absent: Pryor, Eisenbacher

**Appointments Carried-Over as Item F-1 on the Next Regular City Council Meeting  
Agenda Scheduled for December 1, 2003:**

**(a) Mayoral Appointments**

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**Economic Development Corporation****Mayor, Council Approval (9) – 6 years**

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**Stuart F Redpath - Does not seek reappointment****Term expires 04-30-2009**

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**Term expires 04-30-2009**

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**Term expires 04-30-2009**

**(b) City Council Appointments**

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**Advisory Committee for Persons with Disabilities****Appointed by Council (9 Regular, 3 Alternates) – 3 years**

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**Ms. Jayshree Shah – Seeks reappointment****Term expires 11-01-2006 (Alternate)**

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**Term expires 07-01-2004 (Student)**

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**Historical Commission****Appointed by Council (7) – 3 years**

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**Term expires 07-01-2004 (Student)**

---

**Troy Daze****Appointed by Council (9) – 3 years**

---

**Term expires 07-01-2004 (Student)**

**F-3 Sole Source – GPS Trackers and Related MAPX Software**

Resolution #2003-11-590

Moved by Beltrami

Seconded by Stine

WHEREAS, Geonautics International is the sole source provider of the proprietary GPS Tracking System and related MAPX software; and

WHEREAS, Geonautics has provided software and hardware for both the City of Troy and Oakland County which assist in many joint investigations.

NOW THEREFORE, BE IT RESOLVED, That MAPX software and related GPS Trackers be **PURCHASED** as an addition to the City of Troy's surveillance system from Geonautics International, the sole source provider, at an estimated cost of \$21,569.00.

Yes: All-5

No: None

Absent: Pryor, Eisenbacher

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**F-4 Bid Waiver – TPOA Physical Examinations**

Resolution #2003-11-591

Moved by Howrylak

Seconded by Broomfield

WHEREAS, As a result of a 1988 Troy Police Officers Association/City of Troy arbitration ruling, physical fitness tests and pre-test physicals for the City of Troy Police Officers are required every two years, with all costs being absorbed by the City; and

WHEREAS, A City/Union Joint Committee selected Crittenton Hospital to conduct the physicals and testing;

NOW, THEREFORE, BE IT RESOLVED, That a contract to conduct physicals and related testing is hereby **AWARDED** to Crittenton Hospital for an estimated annual cost of \$61,437.00, at unit prices provided in the pricing schedule identified as Attachment A dated November 5, 2003, which expires December 31, 2005, a copy of which shall be **ATTACHED** to the original Minutes of this meeting.

Yes: All-5

No: None

Absent: Pryor, Eisenbacher

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**F-5 Contract Ratification – AFSCME (Hourly Employees) and City of Troy**

Resolution #2003-11-592

Moved by Stine

Seconded by Beltrami

RESOLVED, That a collective bargaining agreement between the City of Troy and AFSCME for the period of July 1, 2003 through June 30, 2006 is hereby **RATIFIED** by the City Council of the City of Troy, the Employer, and the Mayor and City Clerk are **AUTHORIZED TO EXECUTE** the final agreement.

Yes: All-5  
No: None  
Absent: Pryor, Eisenbacher

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#### **F-6 Sauger v. City of Troy, et. al.**

Resolution #2003-11-593  
Moved by Stine  
Seconded by Howrylak

RESOLVED, That the City of Troy City Council **APPROVES** the proposed general release by Jason Sauger, Joann Sauger, and Stephen Sauger regarding the City of Troy, Troy Police Department, Police Chief Charles Craft, Officer David Quaiatto, Officer Pat Browne, Officer Robert Shaner, Officer Andrew Satterfield, Officer Thomas Gordon and Officer Janice Greff (Pokley) and **AUTHORIZES** payment in the amount stated therein, and further **AUTHORIZES** the City Attorney and the attorney representing the individual officers to **EXECUTE** the stipulation for dismissal with prejudice, which shall be **ATTACHED** to the original Minutes of this meeting.

Yes: All-5  
No: None  
Absent: Pryor, Eisenbacher

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#### **F-8 Adoption of Goals**

Resolution #2003-11-594  
Moved by Beltramini  
Seconded by Broomfield

WHEREAS, One of the primary functions of City Council is to develop goals for Troy which reflect community values; and

WHEREAS, Goals for the City provide direction to the City Manager to develop objectives, tasks, performance measures and budgetary documents for the City.

NOW, THEREFORE, BE IT RESOLVED, That the Troy City Council hereby **ADOPTS** the following goals:

- Minimize cost and increase efficiency of City government
- Retain and attract investment while encouraging redevelopment
- Effectively and professionally communicate internally and externally
- Creatively maintain and improve public infrastructure
- Protect life and property

Yes: All-5  
No: None  
Absent: Pryor, Eisenbacher

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**F-9 Bid Waiver – Data Collection to Implement the Pavement Management System**

Resolution #2003-11-595  
Moved by Beltrami  
Seconded by Broomfield

WHEREAS, The Road Commission of Oakland County (RCOC) has contracted with Stantec Consulting, Inc. to collect pavement condition data for all County maintained roads to contribute to the development of their own pavement management model, and Stantec Consulting, Inc. has agreed to extend the County's negotiated contract price to the City of Troy allowing the City to take advantage of a price structure aimed at a larger project; and

WHEREAS, RCOC has agreed to provide the information collected by Stantec Consulting, Inc. to Cities, Villages, and Townships within its boundaries resulting in the immediate supply of City of Troy data on 63 miles of roads within Troy's limits, and maintaining Stantec Consulting, Inc. to collect all city streets within Troy would assure consistent interpretation of pavement condition, system wide; and

WHEREAS, During implementation, having one consistent data set will keep conversion costs to a minimum.

BE IT RESOLVED, That a contract is hereby **AWARDED** to Stantec Consulting, Inc. for data collection services of pavement condition and street signage inventory for an estimated total cost of \$107,787.50 commencing immediately upon approval and expiring June 30, 2004; and

BE IT FURTHER RESOLVED, That the award is **CONTINGENT** upon contractor submission of properly executed insurance and agreement documents acceptable to the City of Troy **AUTHORIZED AND EXECUTED** by the Mayor and City Clerk.

Yes: All-5  
No: None  
Absent: Pryor, Eisenbacher

**COUNCIL COMMENTS****COUNCIL REFERRALS**

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**Resolution in Opposition to Proposed Changes in the Statutory Distribution of State Revenue Sharing, and in Opposition to Any Further Reductions in State Revenue Sharing – Proposed by Council Member Beltrami**

Resolution #2003-11-596  
Moved by Beltrami



Seconded by Stine

WHEREAS, The City of Troy relies on State Revenue Sharing to fund 13.0% of its General Fund Budget; and

WHEREAS, The 2002 State Revenue Sharing to the City of Troy was \$8,348,727.00; and

WHEREAS, The 2003 State Revenue Sharing was reduced by \$729,761.00 to \$7,618,966.00, an 8.7% reduction; and

WHEREAS, The 2004 State Revenue Sharing budgeted amount was further reduced to \$7,500,000.00, based upon State of Michigan estimates; and

WHEREAS, The Governor of the State of Michigan, and its Legislators are currently proposing a change in the formula for computing Statutory Revenue Sharing, that will further reduce the amount of Statutory Revenue Sharing to local units of government by 28%; and

WHEREAS, The proposed change in Statutory Revenue Sharing will reduce the amount of Revenue Sharing to the City of Troy by an additional \$600,000.00; and

WHEREAS, This additional reduction in Revenue Sharing equals a \$1,329,761.00 reduction in General Fund monies, which directly impacts the City of Troy's ability to deliver essential services to its taxpayers.

NOW, THEREFORE, BE IT RESOLVED, That the City Council of the City of Troy is **OPPOSED** to the extent of the proposed further reductions in State Revenue Sharing payments to local governments as a way to balance the State of Michigan's budget deficit; and

BE IT FINALLY RESOLVED, That the City Clerk send a copy of this resolution to Governor Granholm, State Senator Johnson, and State Representative Pappageorge.

Yes: All-5

No: None

Absent: Pryor, Eisenbacher

## REPORTS AND COMMUNICATIONS

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### **G-1 Minutes – Boards and Committees:**

- (a) CATV Advisory Committee/Final – July 24, 2003
- (b) Historic Commission/Final – August 26, 2003
- (c) Troy Daze/Draft – September 3, 2003
- (d) Historic Commission/Draft – September 23, 2003
- (e) Planning Commission/Draft – October 7, 2003
- (f) Planning Commission/Final – October 7, 2003
- (g) Planning Commission/Draft – October 14, 2003
- (h) Planning Commission/Final – October 14, 2003

- (i) CATV Advisory Committee/Draft – October 15, 2003
- (j) Board of Zoning Appeals/Draft – October 21, 2003
- (k) Ethnic Issues Advisory Board/Draft – November 4, 2003
- (l) Liquor Advisory Committee/Draft – November 10, 2003  
Noted and Filed

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**G-2 Department Reports:**

- (a) 2003 Year-to-Date Crime & Police Calls for Service Report
- (b) Permits Issued During the Month of October 2003
- (c) Monthly Financial Report – October 31, 2003  
Noted and Filed

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**G-3 Announcement of Public Hearings:**

- (a) Street Vacation Application Crestfield Avenue and Tallman (fka Taylor) Street, within Proposed Crestwood Site Condominium, North Side of Wattles, East of Livernois, Section 15 (SV-184) – **Scheduled November 24, 2003**
- (b) Preliminary Planned Unit Development Review – PUD-003 – Sterling Corporate Center – North Side of Big Beaver Road – West of I-75 and East of Wilshire Drive – Section 21 - **Scheduled November 24, 2003**
- (c) Zoning Ordinance Text Amendment (ZOTA-180) – Articles 40.57.06, 43.77.00 and 43.80.00 – Height Limits for Amateur Radio Antennas - **Scheduled November 24, 2003**
- (d) Zoning Ordinance Text Amendment (ZOTA-198) – Article 40.20.00 – Parking Requirements - **Scheduled November 24, 2003**  
Noted and Filed

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**G-5 Proposed Proclamations/Resolutions from Other Organizations:**

- (a) City of Farmington Hills – Class C/Tavern License Quota and Escrow System  
Noted and Filed

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**G-6 Calendar**

Noted and Filed

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**G-7 Letters of Appreciation:**

- (a) Telephone Message from Theodora Wiley to Officer Garcher Thanking Him for His Assistance After an Auto Accident at Livernois and Wattles
- (b) Letter from Mary Beth Halushka – Troy Foundation for Educational Excellence, to Chief Charles Craft Thanking Lt. Zavislak and Sgt. Swanson for Their Assistance with Their First Fun Walk
- (c) Letter from Sue Staten to Chief Charles Craft Thanking Detective Todd Gustke for His Assistance with Their Complaint
- (d) Thank You Card from Leslie Weston Thanking Officer Pete Pizzorni for His Promptness in Checking on Her Elderly Cousin Whose Phone was Not Working  
Noted and Filed

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**G-8 Memorandum, Re: Conservation Easement at Cedar Ridge**

Noted and Filed

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**G-9 Memorandum, Re: Governor's "Cool" Cities Initiative**

Noted and Filed

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**G-10 Memorandum, Re: CATV Advisory Committee Action**

Noted and Filed

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**G-11 Memorandum, Re: Review of House Bill No. 4152 and Senate Bill 721**

Noted and Filed

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**G-12 Memorandum, Re: Liquor Law Compliance Testing**

Noted and Filed

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**G-13 Memorandum, Re: City Attorney's Role in Prosecutions**

Noted and Filed

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**G-14 Memorandum, Re: Comprehensive Annual Financial Report for the Year Ended June 30, 2003** - Copy of Report available for public viewing at the Troy City Clerk's Office

Noted and Filed

**PUBLIC COMMENT**

The meeting recessed at 11:05 P.M.

**STUDY ITEMS**

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**H-1 Recreation Fees**

Resolution #2003-11-596

Moved by Beltramini

Seconded by Broomfield

RESOLVED, That City Council **DIRECTS** City Management to proceed with a distributive approach to assess fees for Recreation Division programs.

Yes: All-5

No: None

Absent: Pryor, Eisenbacher

The meeting adjourned at 11:37 P.M.

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David A. Lambert, Mayor Pro Tem

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Tonni L. Bartholomew, MMC - City Clerk

DATE: November 17, 2003

TO: The Honorable Mayor and City Council

FROM: John Szerlag, City Manager  
 Gary A. Shripka, Assistant City Manager/Services  
 Steve Vandette, City Engineer  
 Mark F. Miller, Planning Director

SUBJECT: PRELIMINARY PLAT - TENTATIVE APPROVAL – Wyngate of Troy  
 Subdivision, East side of Coolidge Highway, North of Square Lake Road,  
 Section 5 - R-1B

### **RECOMMENDATION**

On October 14, 2003, the Planning Commission recommended to City Council the Tentative Approval of the Preliminary Plat including 74 lots. The petitioner complies with the Planning Commission's conditions. City Management concurs with the Planning Commission and recommends approval.

### **GENERAL INFORMATION**

#### Name of Owner / Applicant:

The owner is Pulte Land Development Corp. Atwell-Hicks, Inc. is the project engineer.

#### Location of subject property:

The property is located on the east side of Coolidge Highway, north of Square Lake Road, in Section 5.

#### Size of subject parcel:

The gross parcel area is 41.42 acres. The net site area (less the Coolidge Highway right of way) is 40.03 acres.

#### Description of proposed development, including number and density of units:

The applicant is proposing a 74-unit subdivision, which represents a density of approximately 1.85 units per acre.

#### Current use of subject property:

The parcel is presently vacant.

#### Current use of adjacent parcels:

North: Single family residential.

South: Single family residential.

East: Firefighters Park.

West: Single family residential.

Current zoning classification:

The property is currently zoned R-1B One Family Residential.

Zoning classification of adjacent parcels:

North: R-1B One Family Residential.

South: R-1B One Family Residential.

East: R-1B One Family Residential.

West: R-1A One Family Residential.

Future Land Use Designation:

The property is designated on the Future Land Use Plan as Education-Elementary School. The Future Land Use Plan lists a primary correlation between Public/Quasi-Public Uses (including schools and churches) and the R1 Residential Zoning Districts. The R-1B Zoning District is therefore consistent with the Elementary School designation.

**ANALYSIS**

Compliance with area and bulk requirements:

Lot Area: The minimum lot area in the R-1B district is 15,000 square feet. The application is utilizing the Lot Averaging Option (Section 34.10.00) which permits a 10% reduction in lot area in some lots provided the average lot size is at least 15,000 square feet. No lots are smaller than 13,500 square feet. The applicant meets this requirement.

Lot Width: The minimum lot width in the R-1B district is 100 feet. The application is utilizing the Lot Averaging Option (Section 34.10.00) which permits a 10% reduction in lot width in some lots provided the average lot size is at least 15,000 square feet. No lots are narrower than 90 feet. The application meets this requirement.

Height: The maximum height in the R-1B district is 2.5 stories or 25 feet. The application will be required to meet this requirement.

Setbacks: Front: 40'  
Sides: 10' (least one), 25' (total)  
Rear: 45'.

Minimum Floor Area: 1,400 square feet.

Maximum Lot Coverage: 30%.

Off-street parking and loading requirements:

The applicant will be required to provide 2 off-street parking spaces per unit.

Environmental Provisions, including Tree Preservation Plan:

The applicant submitted a Preliminary Tree Preservation Plan, which was approved by the Parks and Recreation Department.

Storm Water Detention:

The tentative preliminary plat indicates that storm water runoff will be collected in storm water system pipes, passed through a sedimentation/oil and grit separator, and discharged into the regional detention facility located in Firefighters Park or the wetland mitigation area located in the northwest area of the site. The regional detention facility was enlarged based on an agreement executed in 1988, between the City of Troy and the developers of the Forest Creek and Crescent Ridge subdivisions. The detention facility was sized in order to detain water from the subject property.

Natural Features and Floodplains:

The Natural Features Map indicates there are woodlands and wetlands on the property. A Wetland Delineation and Determination of Jurisdiction was prepared for the subject property, dated July 2003, by Brooks Williamson and Associates, Inc. The report indicated that there were three state-regulated wetlands on the property. One of the wetlands is in the southeast corner of the parcel, the other two are in the northwest corner of the parcel.

Subdivision Control Ordinance, Article IV Design Standards

Blocks:

The streets are designed so that most lots have access from two different directions. Exceptions are lots 2 through 6 and lots 22 through 38. Both cul-de-sacs meet City of Troy standards for length.

Lots:

Lots conform to the minimum requirements of the Zoning Ordinance. The applicant is using the Lot Averaging Option (Section 34.10.00), which allows the reduction of lot area and lot width by 10 percent, provided the average lot area and average lot width meet the general requirements for the R-1B district.

Easements:

The applicant proposes a 15-foot wide non-access greenbelt easement on the east side of Coolidge Highway. The applicant will be required to provide appropriate easements for all utilities, including water, sewer and storm water infrastructure.

#### Topographic Conditions:

The northeast corner of the property is within the 100-year floodplain.

#### Streets:

The applicant proposes two points of ingress/egress for the subdivision, a boulevard entrance on Coolidge Highway and the extension of Country Ridge Drive (Crescent Ridge West Subdivision) from the south. The applicant did not propose a vehicular connection to Forest Creek Subdivision to the north due to the desire to retain open space and establish a wetland mitigation and recharge area in the northwest corner of the parcel.

Two alternate street layouts were provided at the request of the Planning Department. Alternate Concept Plan A shows a layout with a vehicular connection to Coolidge Highway as well as to the neighborhoods to the north and south. Alternate Concept Plan B shows only a vehicular connection to Coolidge Highway.

#### Sidewalks:

The applicant proposes an 8-foot wide concrete sidewalk along the east side of Coolidge Highway. In addition, the applicant proposes 5-foot wide sidewalks along both sides of the interior streets.

#### Walkways:

The applicant proposes an 8-foot wide path within a 20-foot wide public walkway between lots 20 and 21, to link the development with Firefighters Park to the east. The applicant proposes an 8-foot wide path within a 12-foot wide public walkway connection to Forest Creek Subdivision, between lot 4 and the Open Space Wetland Mitigation and Recharge Area. The applicant proposes a 5-foot wide wood chip path within a 12-foot wide public walkway along the northern property line.

#### Utilities:

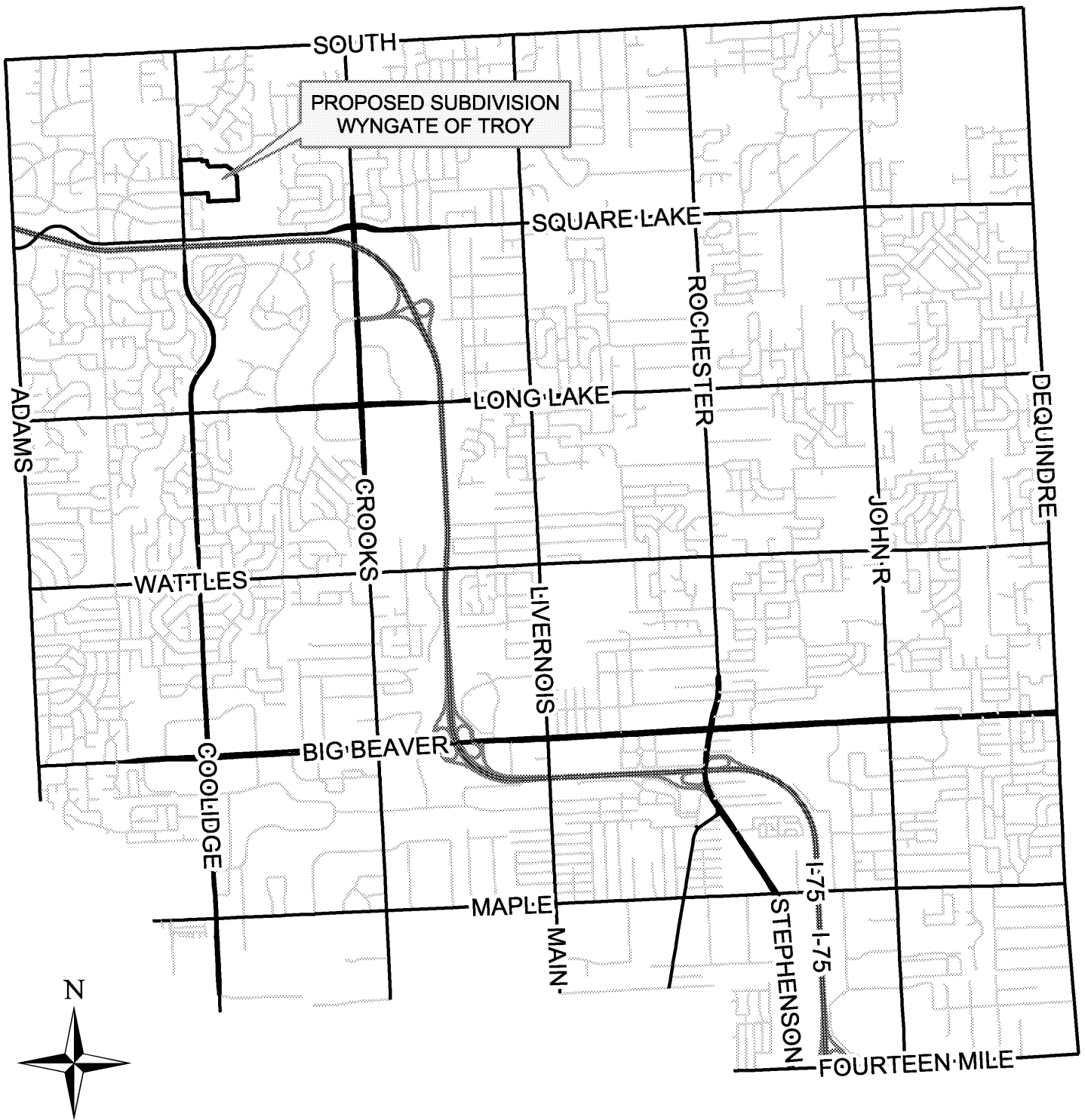
The property is served by public water and sewer services.

#### Attachments

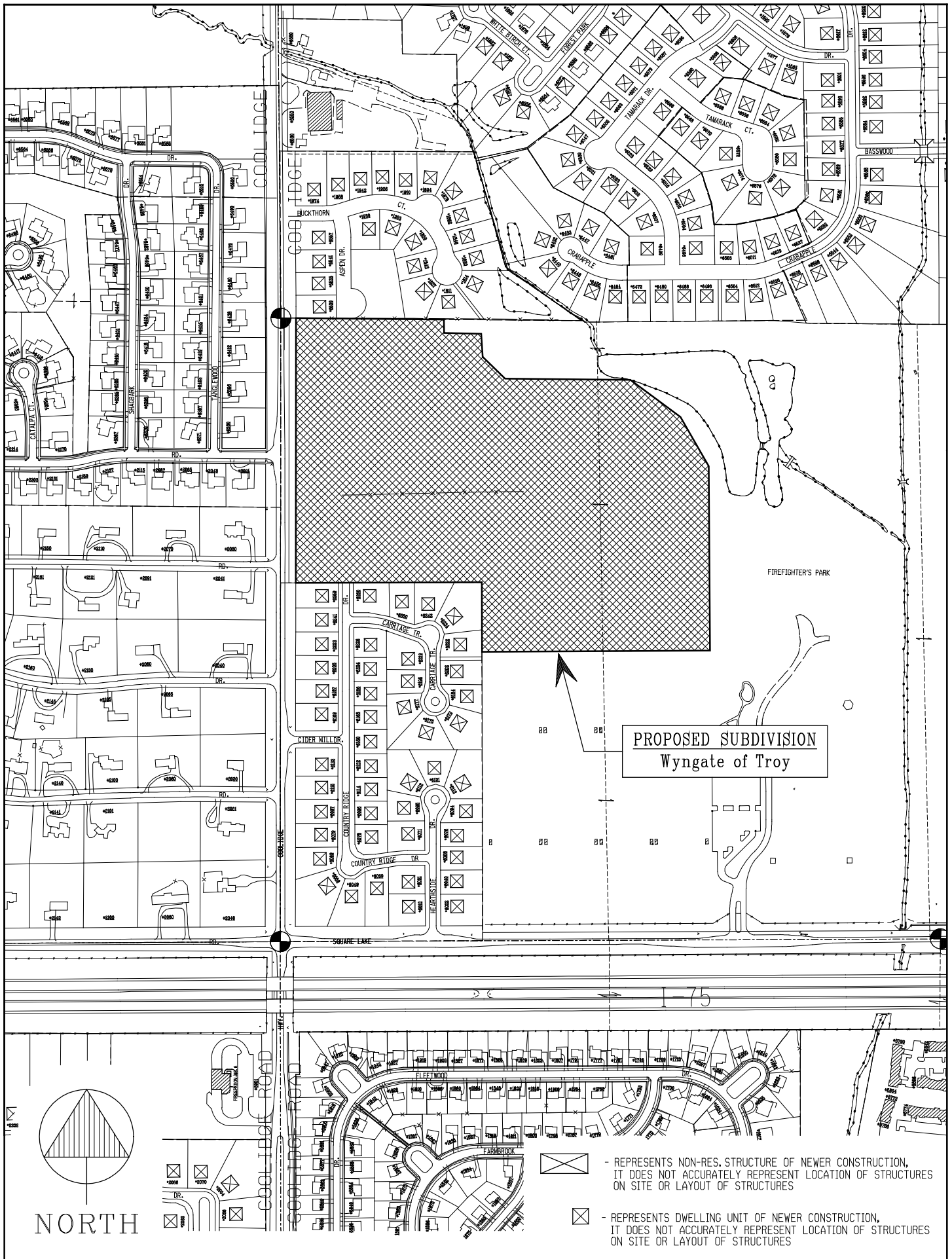
1. Maps
2. Planning Commission Minutes
3. Alternate Plat Layouts
4. Platted Residential Development Levels of Approval
5. Comparison Between Site Condominiums and Plats

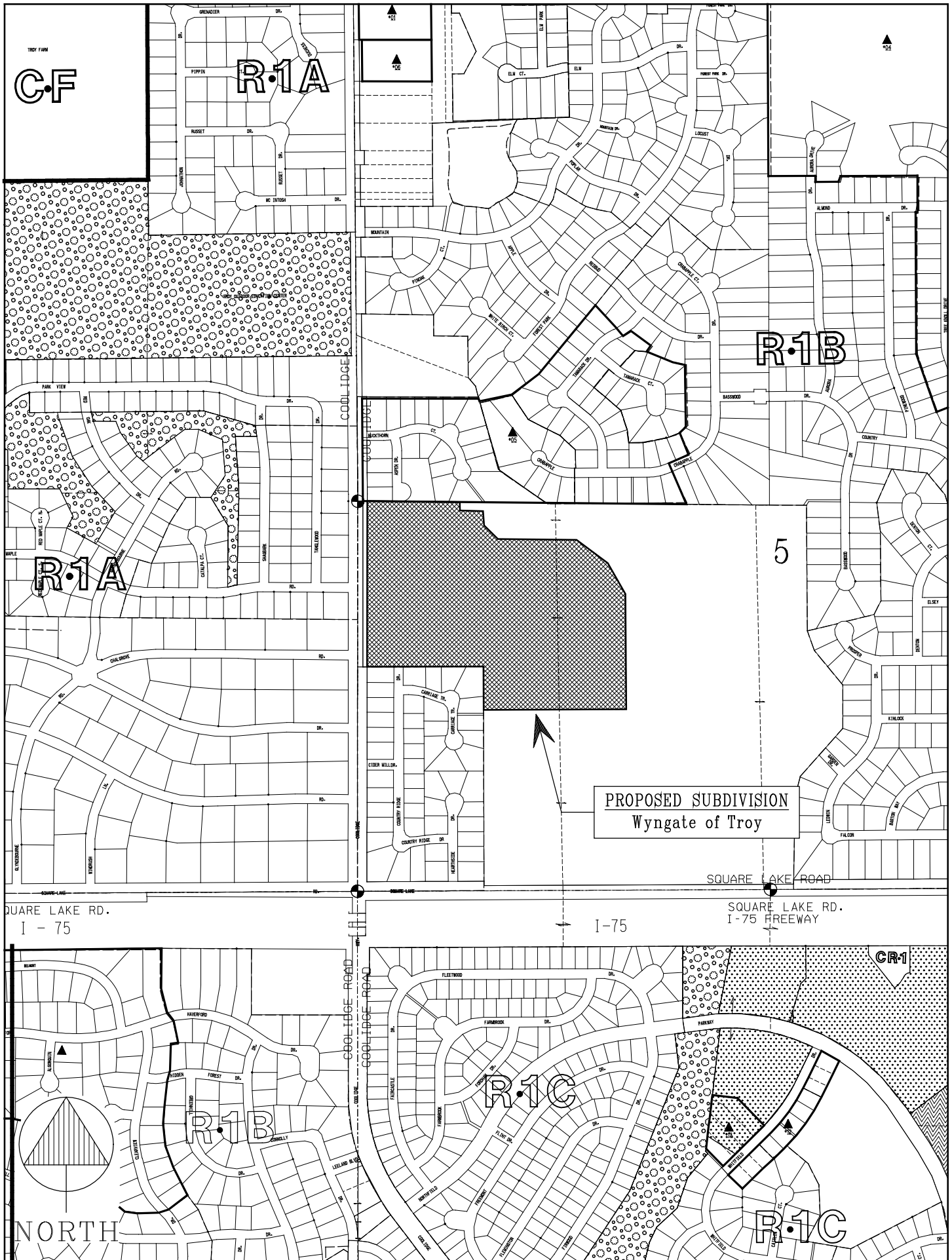
cc: Applicant  
File/ Wyngate of Troy Subdivision

# CITY OF TROY













PROPOSED SUBDIVISION  
WYNGATE OF TROY  
E SIDE COOLIDGE HWY, N OF SQUARE LAKE  
SEC. 5 (74 LOTS)

PROPOSED SUBDIVISION  
WYNGATE OF TROY



5. TENTATIVE PRELIMINARY PLAT – Proposed Wyngate of Troy Subdivision, 74 Lots Proposed, North of Square Lake, East Side of Coolidge, Section 5- R-1B

Mr. Miller presented a summary of the Planning Department report for the proposed Wyngate Subdivision. Mr. Miller reported that it is the recommendation of the Planning Department to approve the Tentative Preliminary Plat application as submitted.

Mr. Miller addressed the Commission's questions with respect to storm water retention, ingress and egress lanes, and pedestrian improvements. It was agreed to clarify that an 8-foot concrete sidewalk would be provided between lots 20 and 21.

Chairman Littman thanked the petitioner for holding an informational meeting for residents prior to tonight's meeting.

Robert Beaugrand, project manager from Atwell-Hicks, Inc., 7927 Nemco Way, Brighton, was present. Mr. Beaugrand gave a presentation with respect to the history of the site, lot size, storm water management, wetlands, interconnectivity with adjacent subdivisions, general land flow, boulevard entrance, pedestrian pathway and sidewalks.

Mr. Beaugrand responded to additional questions from the Commission relating to the detention pond, storm water retention and design of swale.

John DePorre of Pulte Homes, 26622 Woodward Avenue, Royal Oak, was also present.

Chairman Littman opened the floor for public comment.

Maureen Lucas of 6260 Country Ridge Drive, Troy, was present. Ms. Lucas expressed her concerns with the additional traffic that would result from opening up the road to the proposed subdivision.

Chairman Littman encouraged Ms. Lucas to contact the City Traffic Engineer and request the City's consideration in providing traffic calming devices in the area.

Mr. Waller encouraged the residents to contact the City Council members with their concerns, as City Council has the final approval of the proposed subdivision.

Don Czerniewski of 1811 Buckthorn Court, Troy, was present. Mr. Czerniewski expressed his concerns with the amount of water that sits on the northern border of the site. Mr. Czerniewski asked for clarification on the storm water management and the proposed walkway along the northern border.

The floor was closed.

Mr. Beaugrand gave a detailed explanation of the storm water management on the site. He said the water, from gravity flow, would be collected in centralized storm water pipes, piped through the subdivision and ultimately discharged into the pond. He noted a small portion of the water would be diverted to one of the sedimentation vaults. Mr. Beaugrand said that legally storm water could not be discharged at a higher rate than it is currently being discharged.

Mr. Beaugrand further explained that there are three 8-foot concrete sidewalks proposed in the development. One sidewalk would connect from the cul-de-sac to the north to the existing Forest Creek Subdivision. The 8-foot concrete sidewalk would extend along Coolidge, and an 8-foot concrete sidewalk is proposed within the 20-foot pedestrian easement connecting to Fire Fighters Park. Mr. Beaugrand explained that the City requested a 5-foot wide wood chip path to connect from Coolidge along the northern border and into the existing path system of Fire Fighters Park. Mr. Beaugrand confirmed that storm water throughout the development would be managed well and that the residents would not end up with more water after completion of the development. Mr. Beaugrand also said it is their intent is to dedicate the open space and wetland area to the city.

**Resolution # PC-2003-10-031**

Moved by: Kramer

Seconded by: Schultz

**RESOLVED**, That the Planning Commission recommends to City Council that the Preliminary Plat for the Tentative Approval as requested for Wyngate of Troy Subdivision, including 74 lots, located on the east side of Coolidge Highway and north of Square Lake Road, within Section 5, and the R-1B zoning district be granted, subject to the following conditions:

1. The subdivision is developed per the drawing before the Commission this evening.
2. That two 8-foot paved concrete walkways exist; one on the northwest corner of the site and one to the east connecting to Fire Fighters Park.

Yes: All present (8)

No: None

Absent: Chamberlain

**MOTION CARRIED**



9. PRELIMINARY PLAT – TENTATIVE APPROVAL – Wyngate of Troy, 74 Lots Proposed, East Side of Coolidge, North of Square Lake, Section 5 – R-1B

Mr. Savidant presented a brief summary of the proposed subdivision that is on the October 14<sup>th</sup> Regular Meeting agenda. Mr. Savidant reported that the Planning Department has received numerous inquiries from neighboring residents.

Robert Beaugrand, project architect from Atwell-Hicks, Inc., 7927 Nemco Way, Brighton, was present. Mr. Beaugrand circulated the most recent revised plan, and provided a history of the site. Mr. Beaugrand reviewed the proposed plan with respect to lot size, stormwater management, wetlands, interconnectivity with adjacent subdivisions, general land flow, boulevard entrance, pedestrian pathway and sidewalks.

The Commission requested that the petitioner provide further details on grade, landscaping, and storm water management on the south end of the site.

Mr. Savidant will clarify who is responsible for the maintenance of the sedimentation vaults; i.e., homeowners or the City.

John DePorre of Pulte Homes, 26622 Woodward Avenue, Royal Oak, was present. Mr. DePorre confirmed he would arrange an informational meeting with the affected homeowners associations prior to the October 14<sup>th</sup> meeting.

REVISED

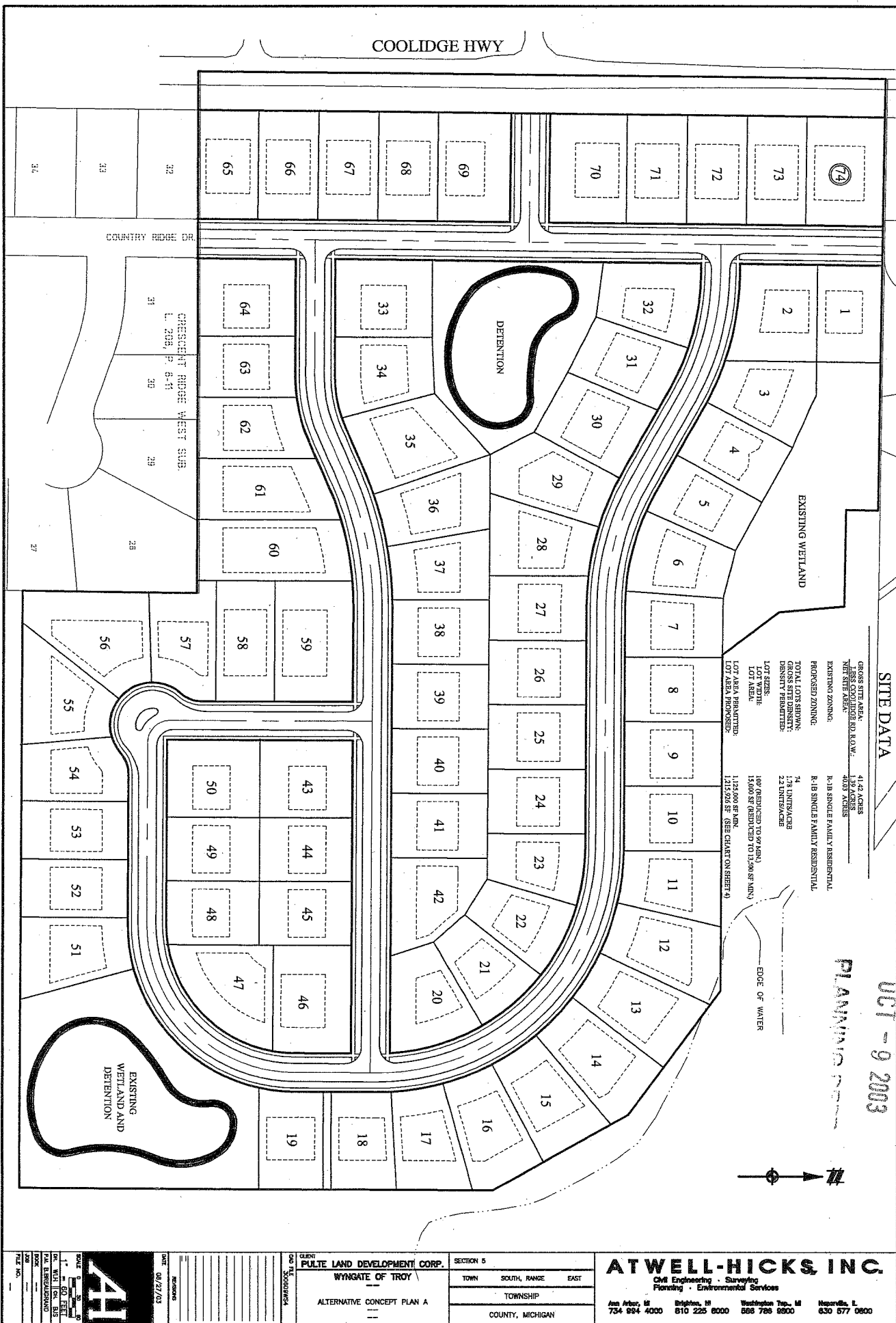
UCI - 9 2003

SITE DATA

GROSS SITE AREA: 41.22 ACRES  
NET SITE AREA: 40.07 ACRES  
EXISTING ZONING: R-1B SINGLE FAMILY RESIDENTIAL  
PROPOSED ZONING: R-1B SINGLE FAMILY RESIDENTIAL  
TOTAL LOT AREA: 1,781,000 SF  
GROSS SITE DENSITY: 1.78 UNITS/ACRE  
DENSITY PERMITTED: 2.2 UNITS/ACRE  
LOT SIZE: 100' (REDUCED TO 90' MIN.)  
LOT WIDTH: 15,000 SF (REDUCED TO 12,500 SF MIN.)  
LOT AREA PERMITTED: 1,125,000 SF MIN.  
LOT AREA PROPOSED: 1,215,924 SF (SEE CHART ON SHEET 4)

PLANNING

EDGE OF WATER



ATWELL-HICKS, INC.

Civil Engineering • Surveying  
Planning • Environmental Services

Ann Arbor, MI Brighton, MI Westland, MI Naperville, IL  
734 984 4000 610 225 8000 588 786 8900 630 577 0600

SECTION 5

TOWN SOUTH, RANGE EAST  
TOWNSHIP  
COUNTY, MICHIGAN

CLIENT  
FULTON LAND DEVELOPMENT CORP.

WYNGATE OF TROY

ALTERNATIVE CONCEPT PLAN A

DATE: 08/27/03

AA

SCALE: 1" = 50' FEET  
DATE: 08/27/03  
FILE NO.

COOLIDGE HWY

WETLAND MITIGATION AREA

EXISTING WETLAND

# SITE DATA

GROSS SITE AREA: 41.43 ACRES  
 LESS COOLIDGE RD R.O.W.: 1.32 ACRES  
 NET SITE AREA: 40.03 ACRES

EXISTING ZONING: R-1B SINGLE FAMILY RESIDENTIAL

PROPOSED ZONING: R-1B SINGLE FAMILY RESIDENTIAL

TOTAL LOTS SHOWN: 75

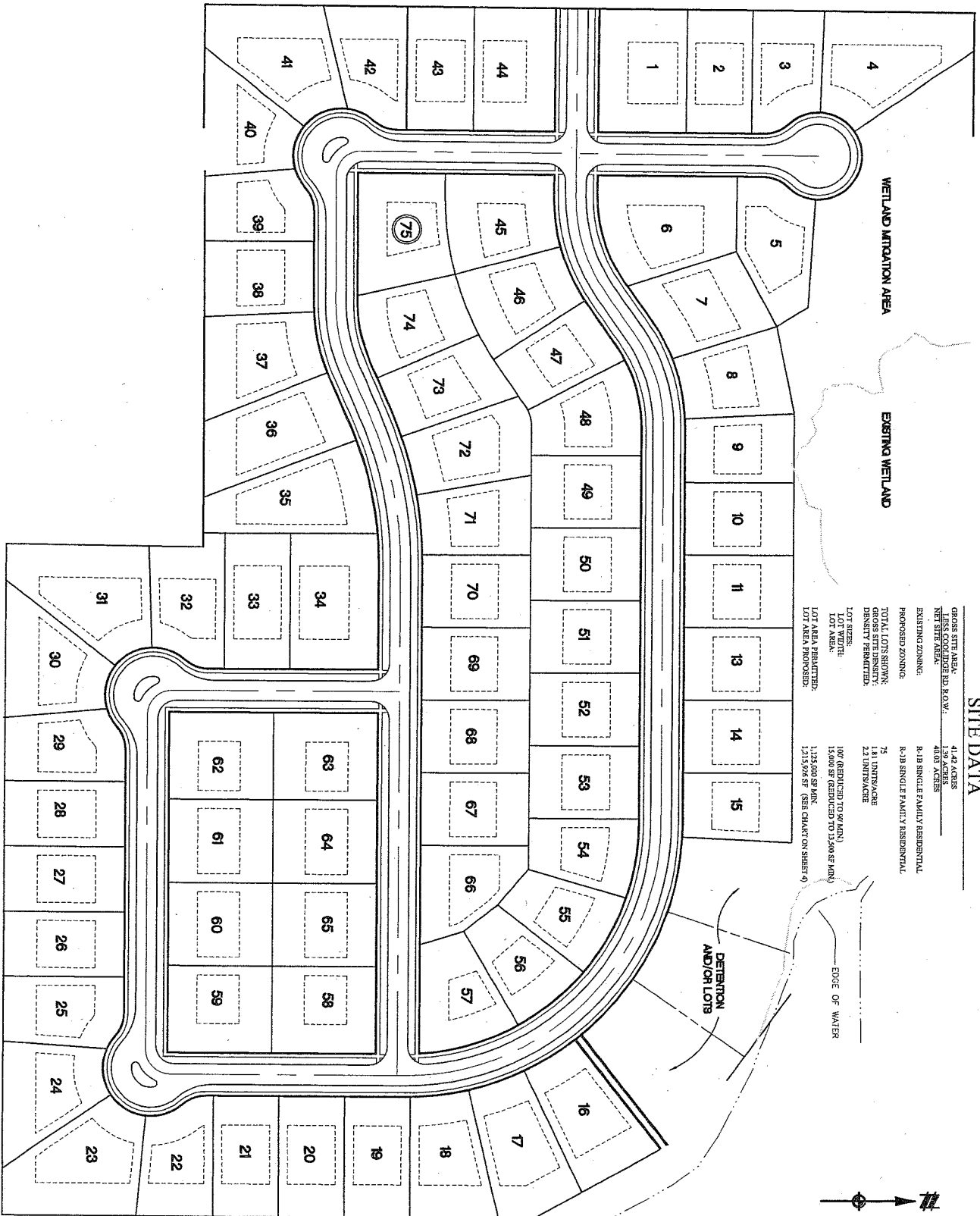
GROSS SITE DENSITY: 1.81 UNITS/ACRE

DENSITY PERMITTED: 2.2 UNITS/ACRE

LOT SIZES:  
 LOT WIDTH: 100' (REDUCED TO 90' MIN.)  
 LOT AREA: 13,000 SF (REDUCED TO 13,500 SF MIN.)  
 LOT AREA PERMITTED: 12,150 SF (SEE CHART ON SHEET 6)

EDGE OF WATER

DETENTION  
AND/OR LOTS



**ATWELL-HICKS, INC.**

Civil Engineering • Surveying  
 Planning • Environmental Services

Ann Arbor, MI 734 994 4000 Brighton, MI 610 225 6000 Washington Twp., MI 586 786 8600 Hopewille, IL 630 577 0800

SECTION  
 TOWN SOUTH, RANGE EAST  
 TOWNSHIP  
 COUNTY, MICHIGAN

CLIENT  
**PULTE LAND DEVELOPMENT CORP.**  
 WYNGATE OF TROY  
 ALTERNATIVE CONCEPT PLAN B

DATE 06/27/03  
 DRAWN BY  
 CHECKED BY  
 APPROVED BY

**41**

SCALE 1" = 60' FEET  
 TALK. E. RESERVATIONS  
 BOOK  
 FILE NO.



## **PLATTED RESIDENTIAL DEVELOPMENT LEVELS OF APPROVAL**

### **Tentative Preliminary Plat Approval**

The following items are included in the **Tentative Approval** process:

- Existing Conditions
- Tree Preservation Plan
- Street layout
- Number of lots
- Building setbacks
- Lot dimensions
- Stub Street for possible future developments
- Locations of easements
- The Planning Department analyses the potential future development of the abutting property.
- The developer must provide locations of wetlands and natural features on the property and the method of preservation.
- An environmental impact statement is required if the development consists of 25 lots or more.
- A sign is placed on the property informing the public of the proposed development.
- A notice of the public meeting before Planning Commission is mailed to the abutting property owners.

### **Final Preliminary Plat Approval**

The following items are included in the **Preliminary Plat- Final Approval** process:

- Determine that all city development standards are met and complied with.
- Capacity of sanitary and storm sewers
- Size and location of Water mains
- Size and location of Detention / Retention basins
- Grading and rear yard drainage
- Paving and widening lanes
- Financial guarantees
- Sidewalk and driveway approaches
- Approval from other government agencies involved with the development.
- Verification of wetlands and M.D.E.Q. permit if necessary.
- Agreements, covenants or other documents for the dedication of land for public use or property owners use.

### **Final Plat Approval**

**Final Approval** checks for conformance with the approved Tentative and Final Preliminary Plats and that all property conveyances such as R.O.W, Easements, Open Space and Parks are in proper order.

## **COMPARISON BETWEEN SITE CONDOMINIUMS AND PLATS**

The site condominium is a form of development that closely resembles the more traditional form of land subdivision known as a “subdivision” or a “plat”. Although both types of development have the same basic characteristics, site condominiums are a newer form of development and are not, therefore, as familiar to homebuyers and neighbors as the more customary plats. An important concept related to any type of condominium development is that condominiums are a form of OWNERSHIP, not a type of physical development.

The following summary is intended to compare and contrast the two types of development.

### **1. Comparisons between site condominiums and plats.**

- a. **Statutory Basis** – Site condominium subdivisions first became possible under the Michigan Condominium Act, which was adopted by the Michigan Legislature in 1978. Plats are created under the Michigan Land Division Act, formerly the Michigan Subdivision Control Act of 1967.
- b. **Nature and Extent of Property Ownership** – An individual homesite building in a platted subdivision is called a “lot”. In a site condominium, each separate building site or homesite is referred to by the Condominium Act as a “unit”. Each unit is surrounded by “limited common area”, which is defined as common elements reserved in the master deed for the exclusive use of less than all of the co-owners”. The remaining area in the site condominium is “general common area”, defined as the common elements reserved in the master deed for the use of all of the co-owners. The nature and extent of ownership of a platted lot and a condominium unit, with the associated limited common area, are essentially equivalent from both a practical and legal standpoint.
- c. **Compliance with Zoning Ordinance** – Both site condominiums and subdivisions are required to comply with the minimum requirements of the City of Troy Zoning Ordinance for area and bulk, including minimum lot size, lot width, setbacks and building height. Essentially, site condominiums and subdivisions in Troy must “look” similar.
- d. **Creation/Legal Document** – A site condominium is established by recording in the records of the county in which the land is located a master deed, bylaws and condominium subdivision plan (“plan”). A platted subdivision is created by the recording of a subdivision plat (“plat”), usually coupled with a declaration of easements, covenants, conditions and restrictions. The plan depicts the condominium units and limited and general common areas, while the plat defines the lots. Both have

substantially the same geometrical appearance and characteristics. The master deed and bylaws on the one hand and the declaration on the other have essentially the same functions with respect to the site condominium or platted subdivision, namely, establishment of: (i) building and use restrictions; (ii) rights of homeowners to use common areas; (iii) financial obligations of owners; and, (iv) procedures for operation of the subdivision.

- e. **Home Maintenance and Real Estate Taxes** – Each unit and lot, as respectively depicted on a condominium plan or subdivision plat, together with any home located thereon, are required to be individually maintained by the owner. Likewise, separate real estate taxes are assessed on each condominium unit or platted lot and paid individually by each homeowner.
- f. **Roads and Utilities** – In most plats, roads are dedicated to the public and maintained by the county road commission or the municipality in which the subdivision is located. Site condominium roads can be either public or private. Sanitary sewer and water supply are public in both. Storm water detention can vary between public and private dedication in both platted and condominium subdivisions.
- g. **Common Areas** – In a site condominium, general common areas, such as open space, entrance areas and storm drainage system, are owned by condominium unit owners in common as an incident of ownership of each unit. In a platted subdivision, legal title to common areas is owned by a homeowners association. In both forms of development, a homeowners association administers the common areas for the benefit of all homeowners equally.
- h. **Homeowners Association** – It is important in both types of development to incorporate a homeowners association comprised of all lot owners or unit owners, as the case may be, to maintain common areas, enforce restrictions and regulations, collect assessments and otherwise administer the common affairs of the development. Because the Condominium Act confers special enforcement powers upon homeowner associations, which are not characteristic of platted subdivision associations, it is generally thought that the condominium form is superior from the standpoint of enforcing rules and regulations of the private community.
- i. **Financial Obligations of Homeowners** – In both types of development, the homeowners association is given the power to assess property owners to pay for maintenance of all common areas and other expenses of administration. Failure to pay give rise to a lien on the defaulting owner's homesite thus providing financial security that the common areas will be properly maintained for the benefit of all homeowners.

- j. **Public Relations** – The same types of public health, safety and welfare regulations apply to both forms of development. Procedurally, the methods of applying for and obtaining plat or condominium plan approval are similar at the municipal level.
- k. **Unique Characteristics of Condominium Unit Purchase** – The Condominium Act provides special benefits for site condominium unit purchasers: (i) a 9-day period after signing a purchase agreement within which a purchaser may withdraw without penalty; and (ii) a requirement that all condominium documents, supplemented by an explanatory disclosure statement, be furnished to all purchasers at the time of entry into a purchase agreement. There are no similar benefits to purchasers provided under the Land Division Act.
- l. **Local and State Review** – Both development types require City Council approval, following a recommendation by the Planning Commission. Unlike subdivisions, site condominiums do not require the review and approval of the Michigan Department of Consumer and Industry Services. For this reason it can sometimes take a substantially shorter period of time to obtain necessary public approvals of site condominiums than platted subdivisions.

**2. Reason for choosing one form versus another.**

Developers and municipalities often prefer the site condominium approach because of better control of market timing. It should be emphasized that the site condominium choice never sacrifices any public protections that would otherwise be present in the case of a platted subdivision under similar circumstances.

**3. Conclusion.**

The platted subdivision approach and the newer site condominium technique are two different statutory methods of reaching essentially the same practical and legal result of subdividing real estate into separate residential building sites. Both methods are required to meet substantially the same public health, safety and welfare requirements. The site condominium is sometimes chosen over the platted subdivisions because of perceived benefits to purchasers, homeowners, and developers.

September 23, 2003

City of Troy  
Planning Commission Members  
500 W. Big Beaver  
Troy, Mich. 48084

Subject: Proposed "Wyngate" Subdivision

Dear Planning Commission Members:

Hills of Charnwood subdivision is one of Troy's premier subdivisions and is located North of Square Lake Road and West of Coolidge, directly across Coolidge to the west of the land proposed for the new "Wyngate" subdivision.

Many of the homeowners in our subdivision are extremely concerned about the impact on their property values which will result from the proposed development. Many are very opposed to the development.

We realize that the sale was not under the control of the planning commission or even the City Council. Further, we realize that there is nothing which can be done to impact the sale. We feel, however, that there are certain things which you can insist on (as the planning commission) which will help minimize our losses. Please insist on the following restrictions:

1. All homes must have side entrance garages similar to the most adjacent groups of homes to the north (Forest Creek 2) and to the south (Crescent Ridge West) of the proposed subdivision. This is CRITICAL to property value preservation.
2. Brick on all 4 sides, no use of aluminum siding allowed. This is also CRITICAL and our fears are based on previous homes by this particular developer.
3. Wider lots (135 ft min.) on all houses which back to Coolidge (similar to the wider lots which back to Coolidge in our subdivision across the street.
4. Large buffer, berm with large trees, behind homes which back to Coolidge
5. Minimum 30 ft easement from Coolidge to sidewalk (similar to easement on west side of Coolidge)
6. Do not allow entrance to new sub to line up directly with Red Maple drive.....which would cause congestion at this intersection.
7. Do not allow any dwellings with livable floor space less than 3200 sq ft.
8. Maximize retention of existing trees and wetlands.

Thank you for your help in this important matter.

Sincerely,

Larry Bowman  
Director, Hills of Charnwood Board of Directors  
6419 Tanglewood  
Troy, Michigan, 48098  
248-828-3307 (lwb2100@aol.com)

City of Troy  
Planning Commission Members  
500 St. Big Beaver  
Troy, MI 48064

RECEIVED

OCT 10 2003

PLANNING DEPT.

Dear member,

Since I will be unable to attend the October 14 Planning Commission meeting, I feel I must express my concern over the proposed Pulte subdivision to be located north of Square Lake, east of Coolidge. I am a homeowner of 18 years in the Hills of Charnwood directly west of the proposed site.

I feel that the City of Troy has set wonderful standards in this north section of the city. All surrounding homes have side entrance garages, all brick exterior, large lots, more than one main entrance in and out of the subdivision, and concern for existing trees and wet lands. These assets have kept the value of our homes at a high rate.

Why would the City of Troy allow a proposed site that lowers these standards?

Seventy four homes are too many for the amount of land. If the Planning Commission lowered the amount of homes and increase the lot size, then side entrance garages would be available. I am also concerned with the entrance into the Pulte subdivision being directly across from the last entrance of "Hills of Charnwood". It is difficult enough now to exit the subdivision because of the speed of the everyday traffic and the amount of traffic. Most drivers do NOT drive 35. It is more like 50. I have even had driver pass in the left

turn lane / The entrances need to be staggered /

If this subdivision is approved, I hope the Planning Commission Board will consider my concerns carefully ... and make adjustment on the proposal. Please respond to my letter

Sincerely,

Leslie Butler  
6573 Parkview  
Drex, MI  
48098

Linda and Patrick King  
6187 Country Ridge Drive  
Troy, MI. 48098-5374  
(248) 879-8806

REC'D

OCT 14 2003

PLANNING DEPT.

October 13, 2003

City of Troy Planning Committee

We as a family who live in the Crescent Ridge West (N.E. corner of Square Lake and Coolidge) in Troy, Michigan, request the City of Troy Planning Committee **NOT TO APPROVE** the opening of Country Ridge Drive from our subdivision into the proposed Wyngate of Troy subdivision being developed by Pulte homes in the adjacent land area.

We feel that opening the road between the two subdivisions would put our children at risk of injury due to the following reasons:

1. Additional traffic from the new subdivision could add over 150 cars per day (2 per house) on our street as they travel through the subdivision to enter from or exit onto Square Lake Road.
2. Additional traffic from those who already cut through the subdivision to beat the light from West bound Square Lake to North bound Coolidge. They will learn they can go even further faster through the subdivision before they must exit to Coolidge. **NOTE: W. Square Lake to N. Coolidge has a No Turn on Red and during rush hour traffic backs up.** Those in a hurry do cut through to Cidermill exit currently.
3. This would provide about a 0.4 mile straight away with no yield or stop signs at 4 major subdivision intersections and Country Ridge Drive would be the main road.

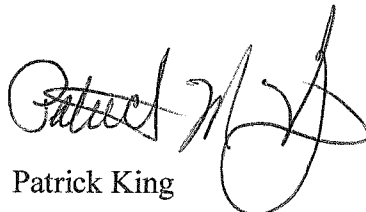
If the concern is safety of the community for fire and police, we recommend that the road be blocked with a locked gate that can be opened by the community safety divisions. This would keep the two subdivisions independent and keep our current road not as a through street. We agree that the sidewalks could connect but the road must be blocked to protect our children.

We request the City of Troy to honor our request and protect our children.

Best regards,



Linda King



Patrick King



DATE: November 10, 2003

TO: The Honorable Mayor and City Council

FROM: John Szerlag, City Manager  
Gary A. Shripka, Assistant City Manager/Services  
Mark Stimac, Director of Building and Zoning

SUBJECT: Dangerous Building 3360 Kilmer  
Sidwell # 88-20-22-378-004  
Order to Demolish

At your meeting of October 27, 2003, Council passed a resolution declaring the existing structure at 3360 Kilmer to be a dangerous structure in accordance with the Dangerous Building Ordinance, Chapter 82-B of the Troy City Code. As such you ordered that the structure be removed or made habitable within twenty days. The twenty days have passed and the structure has neither been removed or has been repaired to make it habitable. We now ask that City Council give staff authorization to have the structure removed from the site. We have already received bids on the demolition, and find that the cost for the demolition is approximately \$4,500. Funds for the demolition will come from the Building Department Demolition Fund. In accordance with Paragraphs 4 and 5 of Section 4 of the Ordinance, the property owner will be notified of the cost and will be given thirty days to reimburse the City for the costs. If the costs are not paid within thirty days, they will be assessed against the taxes on the property.

#### Background

A fire on April 05, 2003, caused extensive damage to the existing residence. The building was inspected and posted unfit for occupancy on that date. To date, the condition of the structure remains unchanged. Based upon the findings of the Building Department that the structure is a dangerous building, we have ordered the building removed. Notice of that determination was served on all the interested parties on July 24, 2003. No appeal was received on that determination within the required 10 day time frame. On October 27, 2003 Council Passed a resolution declaring the structure a dangerous building and ordering that it be demolished or repaired to make it habitable within twenty days.

## Council Comments/Council Referrals - Item #1



**TO:** Mayor and Members of Troy City Council  
**FROM:** Lori Grigg Bluhm, City Attorney  
**DATE:** November 20, 2003  
**SUBJECT:** Calling a Closed Session

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Pursuant to MCL 15.268, closed sessions can be called only for a limited number of purposes. Under MCL 15.268 (e), closed sessions are permitted to allow City Council to “consult with its attorney regarding trial or settlement strategy in connection with a specific pending litigation, but only if an open meeting would have a detrimental financial effect on the litigating or settlement position of the public body.” Since criminal cases do not generally lead to a detrimental financial effect on the City, it is presumed that this provision is applicable only to pending civil cases.

In addition, the convening of a closed session to discuss a criminal misdemeanor case could lead to the appearance of legislative interference with our sworn prosecutorial duties (Section 3.17 (b)). As previously stated, our office continues to treat this case as any other criminal prosecution, in spite of the publicity. Final adjudication will likely be in the hands of a jury.

Unfortunately, due to the Mayor’s temporary absence from the City, I have been unable to ascertain whether there is still a desire to call a closed session for the *City of Troy v. Robert Gosselin* case after receiving this information.

Please let me know if I can be of further assistance.

DATE: November 19, 2003

TO: Honorable Mayor and City Council

FROM: John Szerlag, City Manager  
Gary A. Shripka, Assistant City Manager/Services  
Mark Stimac, Director of Building and Zoning

SUBJECT: Announcement of Public Hearing  
Request for Commercial Vehicle Appeal  
1421 Hartwig

On November 19, 2001, Mr. Anthony Benedict received approval from City Council to store a Chevy tow truck outdoors at his property at 1421 Hartwig. That approval was granted for a period of two years. In response to our contact with regards to the status of the vehicle, Mr. Benedict has filed a request to have the approval extended for an additional period of time. The appeal requests that a public hearing date be held in accordance with the ordinance. A public hearing has been scheduled for your meeting of December 1, 2003.

A copy of the application and photo are attached for your reference.

Should you have any questions or require additional information, kindly advise.

**COMMERCIAL VEHICLE  
APPEAL APPLICATION**

1 of 4

Request is hereby made for permission to keep a commercial vehicle(s) as described below, on the following residential zoned site:

NAME: Anthony A. BENEDICTADDRESS: 1421 HARTWIG DRIVECITY: TROY MI. ZIP: 48065 PHONE: 248 828 0002ADDRESS OF SITE: 1421 HARTWIGNUMBER OF VEHICLES: 1VEHICLE IDENTIFICATION NUMBER(S) 8NJ4221689LICENSE PLATE NUMBER(S) -DESCRIPTION OF VEHICLE(S) 1945 CHEVY TRUCKREASON FOR APPEAL (see A - D below) B-C+D Along withTHE FACT IT IS NOT USED FOR COMM'L & IS A "VINTAGE"& HOPEFUL "Historical Plate" RECIPIENT SOMEDAY & IS INOPERABLE CONDITION FOR SHORT TRIPS. BEING RESTOREDTHE APPLICANT IS AWARE OF THE REQUIRED FINDINGS WHICH ARE STATED IN THE  
FOLLOWING: IT IS MOVED AROUND THE BACKYARD.

44.02.01 ACTIONS TO GRANT APPEALS ... SHALL BE BASED UPON AT LEAST  
ONE OF THE FOLLOWING FINDINGS BY THE CITY COUNCIL:

- A. The occurrence of the subject commercial vehicle on the residential site involved is compelled by parties other than the owner or occupant of the subject residential site (e.g. employer).
- ☒ B. Efforts by the applicant have determined there are no reasonable or feasible alternative locations for parking of the subject commercial vehicle.
- ☒ C. A garage or accessory building on the subject site cannot accommodate, or cannot reasonably be constructed or modified to accommodate the subject commercial vehicle
- ☒ D. The location available on the residential site for the outdoor parking of the subject commercial vehicle is adequate to provide for such parking in a manner that will not negatively impact adjacent residential properties, and will not negatively impact pedestrian and vehicular movement along the frontage street(s).

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NOV 05 2003  
BUILDING DEPARTMENT

commercial vehicles to be parked outdoors in Residential Districts for an initial period not to exceed two (2) years, and may thereafter extend such actions for a similar period.

Supporting data, attached to the application, shall include: a plot plan, drawn to scale, a description and location of the vehicle(s) and a photo of the vehicle on-site..

Anthony A. Benoit  
(signature of applicant)

STATE OF MICHIGAN  
COUNTY OF OAKLAND

On this 30 day of October, ~~10 2002~~ before me personally appeared the above named person who depose and sayeth that he/she signed this application with full knowledge of its contents and that all matters stated therein are true.

Genal B. Benoit  
Notary Public,

Oakland  
County, Michigan

My Commission Expires: 8-1-2005

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NOV 06  
BUILDING



500 West Big Beaver  
Troy, Michigan 48064  
Fax: (248) 524-0851  
www.ci.troy.mi.us

October 10, 2003

Area code (248)

Assessing  
524-3311

Bldg. Inspections  
524-3344

Bldg. Operations  
524-3368

City Clerk  
524-3316

City Manager  
524-3330

Community Affairs  
524-1147

Engineering  
524-3383

Finance  
524-3411

Fire-Administration  
524-3419

Human Resources  
524-3339

Information Technology  
619-7279

Law  
524-3320

Library  
524-3545

Parks & Recreation  
524-3484

Planning  
524-3364

Police-Administration  
524-3443

Public Works  
524-3370

Purchasing  
524-3338

Real Estate & Development  
524-3498

Treasurer  
524-3334

General Information  
524-3300

Anthony A. Benedict  
1421 Hartwig Dr.  
Troy, MI 48065

Subject: Commercial Vehicle  
1421 Hartwig Dr.

Dear Mr. Benedict:

On November 19, 2003 your approval to park your commercial vehicle on the property above will expire. If you intend to continue parking the vehicle on site, you will need to renew the approval.

I am enclosing an appeal application for your use. You must return the completed application or remove the vehicle from the site by 10/23/2003.

You may call me at (248) 524-3359 if you have questions.

Sincerely,

*Marlene Struckman*

Marlene Struckman  
Housing & Zoning Inspector

MJS

*Here is copy of appeal application*

*Thank You!*

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NOV 06 2003

BUILDING DEPARTMENT

110'-0"

4 of 4

VEHICLE

GARAGE

PROPERTY OUTLINE

DRIVEWAY

170'-0"

35'-0"

HOUSE

1421

PROPOSED COMMERCIAL APPEAL APPLICATION

SCALE: 1/16" = 1'-0"

HARTWIG

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NOV 06 2003  
BUILDING DEPARTMENT





PARTS-REPAIR

687-2214

24 HRS

COLES

SAFETY